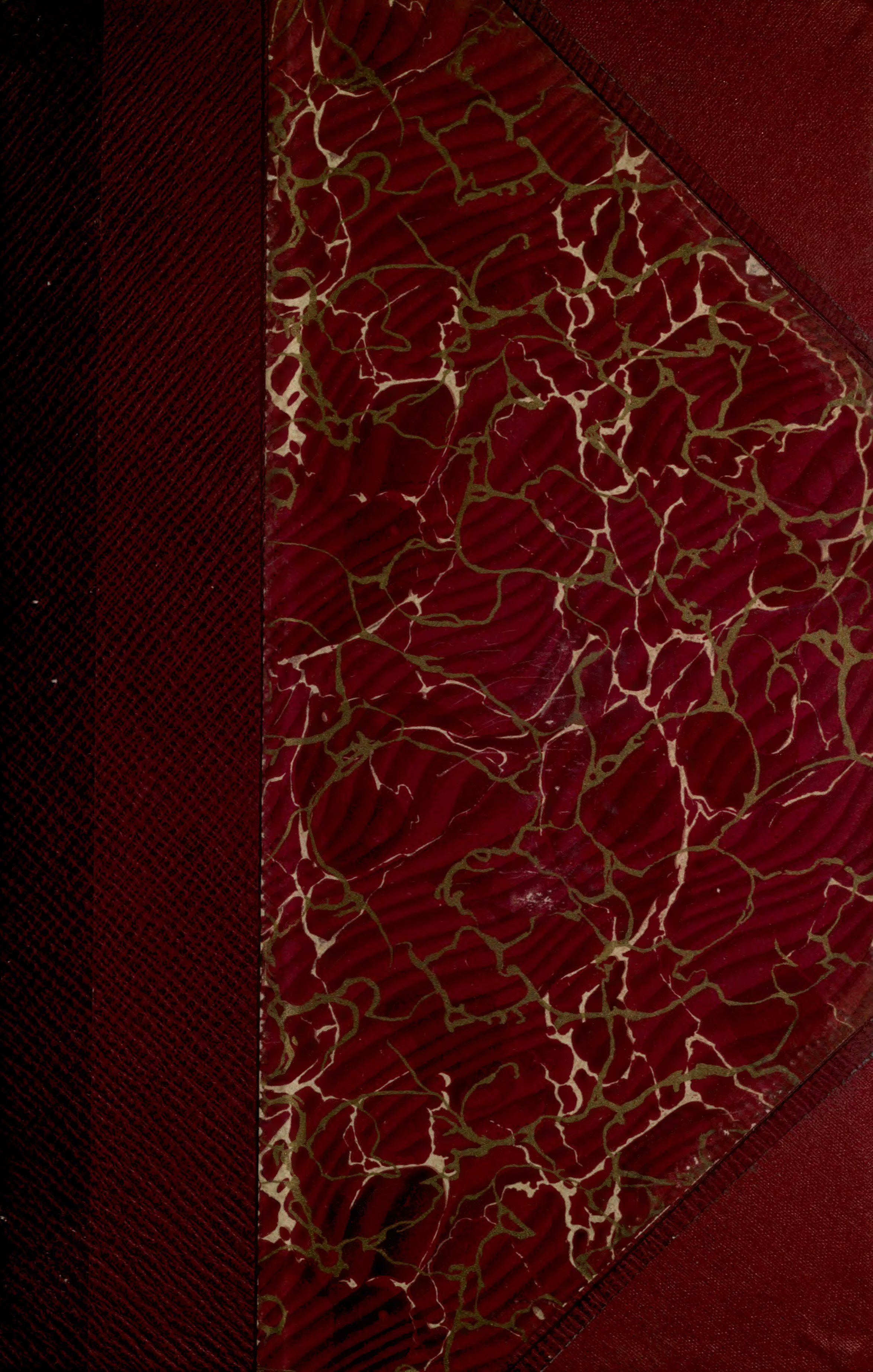

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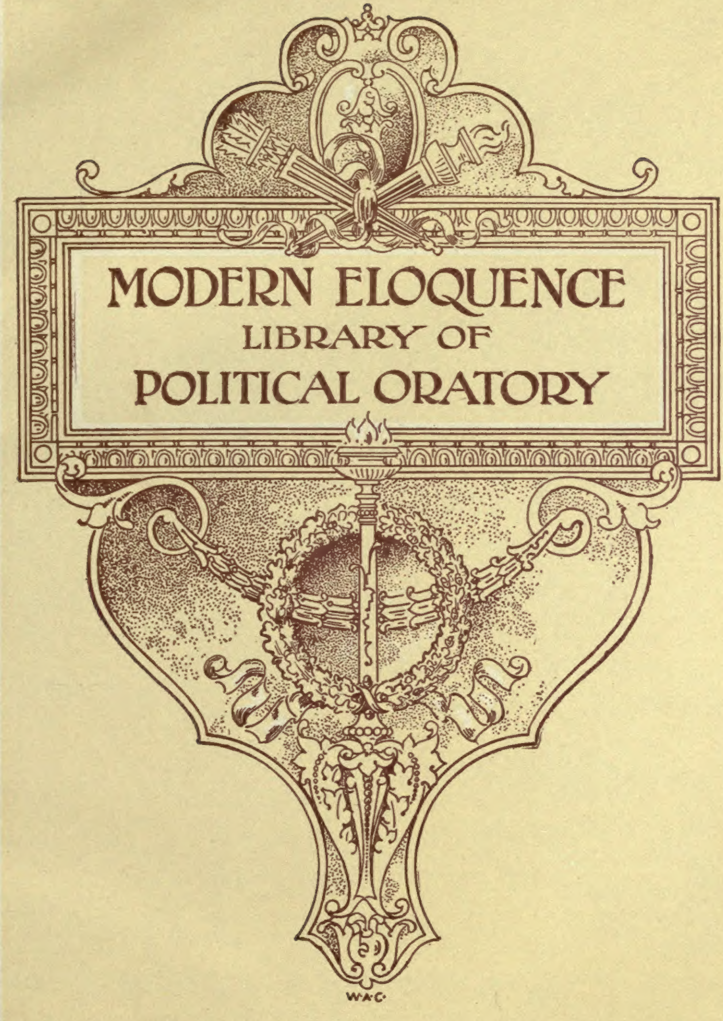

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ABRAHAM LINCOLN

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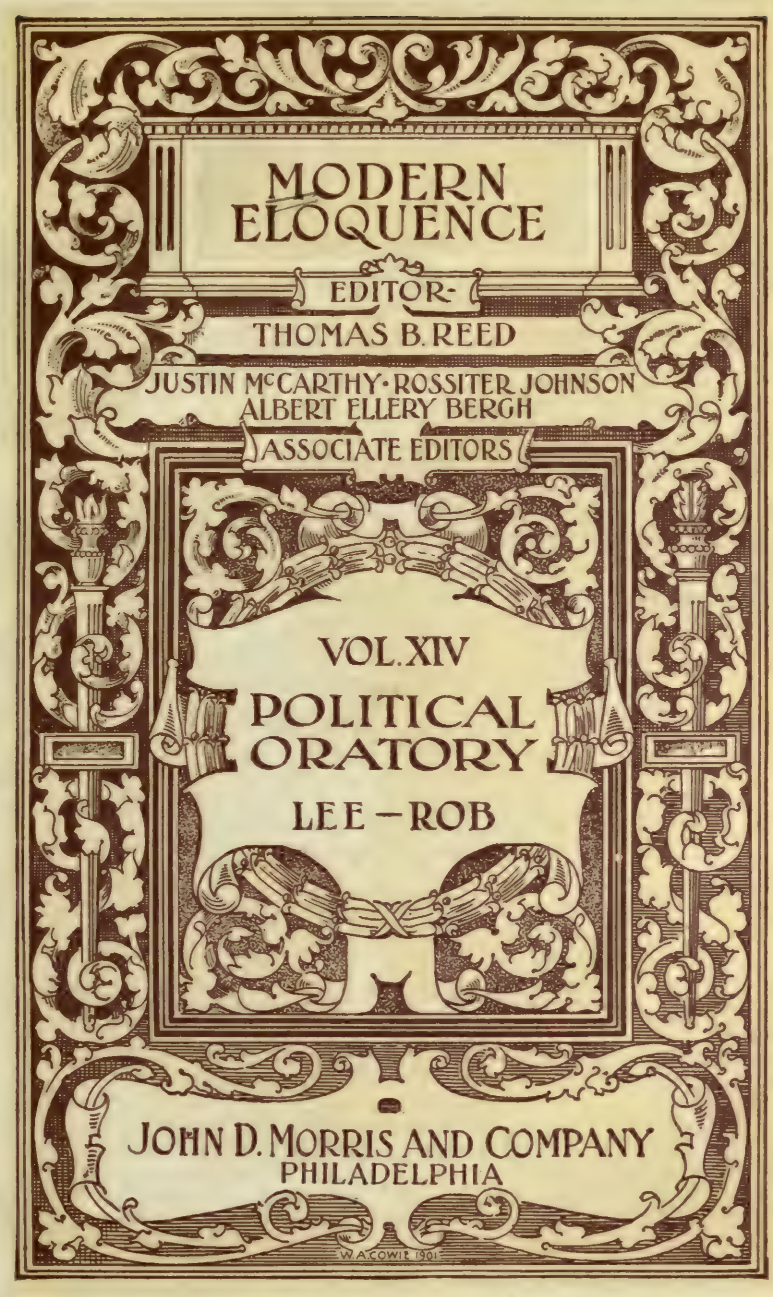

MODERN ELOQUENCE

EDITOR
THOMAS B. REED

JUSTIN McCARTHY · ROSSITER JOHNSON
ALBERT ELLERY BERGH
ASSOCIATE EDITORS

VOL. XIV

POLITICAL ORATORY

LEE — ROB

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INTRODUCTION

ORATORY AND ELOQUENCE

SELECTIONS FROM VARIOUS AUTHORS

Style.—Style may be defined as proper words in proper places. *Swift.*

Acquirement of Style.—Style cannot be taught, and can hardly be acquired. *R. G. White.*

A Pure Style.—A pure style in writing results from the rejection of everything superfluous. *Mme. Necker.*

Suitableness in Style.—There is nothing in words and styles but suitableness that makes them acceptable and effective.
Granville.

Simplicity in Style.—Whatever is pure is also simple; it does not keep the eye on itself; the observer forgets the window in the landscape it displays. A fine style gives the view of fancy—its figures, its trees, or its palaces—without a spot.
R. A. Willmott.

Necessity of Style.—Style is the dress of thoughts; and let them be ever so just, if your style is homely, coarse, and vulgar, they will appear to as much disadvantage, and be as ill received as your person, though ever so well-proportioned, would be, if dressed in rags, dirt, and tatters.
Chesterfield.

Style is not Imitation.—Style is the physiognomy of the mind; it is more infallible than that of the body. To imitate the style of another is said to be wearing a mask; however beautiful it may be, it is through its lifelessness insipid and intolerable, so that even the most ugly face is more engaging.
Schopenhauer.

Matter First.—Attention to style, to composition, and all the arts of speech, can only assist an orator in setting off to advantage the stock of materials which he possesses; but the stock, the materials themselves, must be brought from other quarters than from rhetoric. *H. Blair.*

Criticism of Oratory.—Oratory is the huffing and blustering spoiled child of a semi-barbarous age. The press is the foe of rhetoric, but the friend of reason; and the art of declamation has been sinking in value from the moment that speakers were foolish enough to publish, and readers wise enough to read. *Colton.*

The Groundwork of the Orator's Art.—Extemporaneous speaking is the groundwork of the orator's art; preparation is the last finish and the most difficult of all his accomplishments; to learn by heart as a schoolboy, or to prepare as an orator, are two things not only essentially different, but essentially antagonistic to each other. *Bulwer.*

Different Kinds of Orators.—There have been grandiloquent orators, impressive and sonorous in their language, vehement, versatile, and copious; well trained and prepared to excite and turn the minds of their audience; while the same effect has been produced by others by a rude, rough, unpolished mode of address, without finish or delicacy; others again have effected the same by smooth, well-turned periods. *Cicero.*

Oratory Must Suit the Occasion.—Oratory admits of many different forms; and nothing can be more foolish than to inquire by which of them an orator is to regulate his composition, since every form which is in itself just has its own place and use; the orator, according as circumstances require, will employ them all, suiting them not only to the cause or subject of which he treats, but to the different parts of that subject. *Quintilian.*

Dignity of Oratory.—There are two arts which raise men to the highest places of preferment: one is that of the great soldier, the other that of the accomplished orator; for by the former the glories of peace are preserved, by the latter the perils of war are driven away. *Cicero.*

Excellence of Oratory.—So great is the dignity and excellence of oratory that it transcends all eulogy; so great is its splendor that it not only lights up, but dazzles the eyes of men. Therefore it has been justly compared to the rainbow Iris, because it overwhelms the souls of mortals with wonder. For what is more wonderful than eloquence? What is more wonderful than the power of holding an assembly of men, of controlling the minds of nations, and dominating the will even of kings and princes? Of leading them forth whither the speaker wishes, and winning them back from their own ways? Do you desire to move the pity of the hearer? Eloquence can move it. Do you desire to inflame him with anger? Eloquence can move his wrath. Do you desire that he should pine with envy, be consumed with grief, dance with joy? All these emotions of the mind can be excited by an oration adorned with fitting sentiments, expressed in powerful diction. *D'Assigny.*

What is more excellent than eloquence, in the admiration of the hearers, or in the expectation of those in need of its assistance, or in the gratitude of those who have been defended by the orator? *Cicero.*

Good Taste.—Good taste belongs to that style which is at once full of feeling and clearly descriptive, while the words employed are in proper keeping with the subject matter. To attain this, the language must be neither tinged with levity on matters of importance, nor lofty on matters that are mean; for if a mean thing is decorated with lofty epithets the result is burlesque. *Aristotle.*

Eloquence is Power.—Eloquence in this empire is power. Give a man nerve, a presence, sway over languages, and, above all, enthusiasm, or the skill to simulate it; start him in the public arena with these requisites, and ere many years, perhaps many months, have passed, you will either see him in high station, or in a fair way of rising to it. Unless you have the art of clothing your ideas in clear and captivating diction, of identifying yourself with the feelings of your hearers, and uttering them in language more forcible, or terse, or brilliant, than they can themselves command; or unless you have the power—still more rare—of originating, of commanding their intellects, their hearts, of drawing them in your train by the irresistible magic of sympathy—of making their thoughts your thoughts, or your thoughts theirs—never hope to rule your fellow men in these modern days. *G. H. Francis.*

Requisites in an Orator.—To be a great orator does not require the highest faculties of the human mind, but it requires the highest exertion of the common faculties of our nature. He has no occasion to dive into the depths of science, or to soar aloft on angels' wings. He keeps upon the surface, he stands firm upon the ground, but his form is majestic, and his eye sees far and near; he moves among his fellows, but he moves among them as a giant among common men. He has no need to read the heavens, to unfold the system of the universe, or create new worlds for the delighted fancy to dwell in; it is enough that he sees things as they are; that he knows and feels and remembers the common circumstances and daily transactions that are passing in the world around him. He is not raised above others by being superior to the common interests, prejudices, and passions of mankind, but by feeling them in a more intense degree than they do. *William Hazlitt.*

The Excellence of Oratory lies in its Application.—The greatest masters of the art have concurred, and upon the greatest occasion of its display, in pronouncing that its estimation depends on the virtuous and rational use made of it. Let their sentiments be engraved on your memory in their own pure and appropriate diction. "It is well," says Æschines, "that the intellect should choose the best objects, and that the education and eloquence of the orator should obtain the assent of his hearers; but if not, that sound judgment should be preferred to mere speech." "It is not," says his illustrious antagonist, "the language of the orator or the modulation of his voice that deserves your praise, but his seeking the same interests and objects with the body of the people." *Brougham.*

Written Speeches.—The most splendid effort of the most mature orator will be always finer for being previously elaborated with much care. There is, no doubt, a charm in extemporaneous elocution, derived from the appearance of artless, unpremeditated effusion, called forth by the occasion, and so adapting itself to its exigencies, which may compensate the manifold defects incident to this kind of composition: that which is inspired by the unforeseen circumstances of the moment will be of necessity suited to those circumstances in the choice of the topics, and pitched in the tone of the execution, to the feelings upon which it is to operate. These are great virtues. It is another to avoid the besetting vice of modern oratory—the overdoing everything—the exhaustive method—which an off-hand speaker has no time to fall into, and he accordingly will take only the grand and effective view. Nevertheless, in oratorical merit, such effusions must needs be very inferior; much of the pleasure they produce depends upon the hearer's surprise that in such circumstances anything can be delivered at all, rather than upon his deliberate judgment that he has heard anything very excellent in itself. We may rest assured that the highest reaches of the art, and without any necessary sacrifice of natural effect, can only be attained by him who well considers, and maturely prepares, and oftentimes sedulously corrects and refines his oration. *Brougham.*

Eloquence Republican.—Eloquence is the companion of peace and the associate of leisure; it is trained up under the auspices of a well-established republic. *Cicero.*

The Preeminence of Greek Models.—Addison may have been pure and elegant, Dryden airy and nervous, Taylor witty and fanciful, Hooker weighty and various; but none of them united force with beauty—the perfection of matter with the most refined and chastened style; and to one charge all, even the most faultless, are exposed—the offense unknown in ancient times, but the besetting sin of later days: they always overdid, never knowing or feeling when they had done enough. In nothing, not even in beauty of collocation and harmony of rhythm, is the vast superiority of the chaste, vigorous, manly style of the Greek orators and writers more conspicuous than in the abstinent use of their prodigious faculties of expression. A single phrase—sometimes a word—and the work is done; the desired impression is made, as it were, with one stroke, there being nothing superfluous interposed to weaken the blow or break its fall. *Brougham.*

Laborious Study Required in Oratory.—To me it seems far more natural that a man engaged in composing political discourses, imperishable memorials of his power, should neglect not even the smallest details, than that the generation of painters and sculptors, who are darkly showing forth their manual tact and toil in a corruptible material, should exhaust the refinements of their art on the veins, on the feathers, on the down of the lip, and the like niceties.

Dionysius of Halicarnassus.

Bad Oratory.—Effrontery and hardness of heart are the characteristics of every great speaker I can mention, excepting Phocion; and if he is exempt from them, it is because eloquence—in which no one ever excelled or ever will excel him—is secondary to philosophy in this man, and philosophy to generosity of spirit. *Walter Savage Landor.*

Oratory a Potent Factor in Modern Life.—The vocation of the speaker has not only lost nothing, but has enormously gained in public consequence with the gradual diffusion of knowledge in printed form. There never was a time, in modern history at least, when it constituted so potent a factor in the national life as in our own day. There never was a time when the gift of oratory or the talent for debate brought so much influence, social, political, ecclesiastical, or when he who was endowed with it found the power of ready utterance so much in demand. *John Caird.*

A Speech Cannot be Repeated.—A song may be sung again by the same or other voice, but the speech can never be re-spoken even by the voice that uttered it; and that not merely because, under the inspiration of a great occasion, it may have reached the climax of its powers, but because the moving panorama of history never repeats itself, never revives again the circumstances that gave it its power to affect us. And when the eloquent voice has itself been silenced, unlike the song, no other voice can reproduce its music. On the lips of Æschines it may seem still instinct with power, but all his art cannot make us feel as we should have done had we heard Demosthenes. *John Caird.*

Learning the Fuel of Oratory.—The mind, or genius, has been compared to a spark of fire which is smothered by a heap of fuel, and prevented from blazing into a flame. This simile, which is made use of by the younger Pliny, may be easily mistaken for argument or proof. But there is no danger of the mind's being overburdened with knowledge or the genius extinguished by any addition of images; on the contrary, these acquisitions may as well, perhaps better, be compared, if comparisons signified anything in reasoning, to the supply of living embers, which will contribute to strengthen the spark, that without the association of more fuel would have died away. The truth is, he whose feebleness is such as to make other men's thoughts an encumbrance to him can have no very great strength of mind or genius of his own to be destroyed; so that not much harm will be done at worst. We may oppose to Pliny the greater authority of Cicero, who is continually enforcing the necessity of this method of study. In his dialogue on Oratory, he makes Crassus say that one of the first and most important precepts is to choose a proper model for our imitation. *Hoc sit primum in præceptis meis, ut demonstremus quem imitemur.* (I must place first among my precepts the rule as to whom you should imitate as your model.) *Sir Joshua Reynolds.*

Demosthenes the Model Orator.—All men in modern times famous for their eloquence have recognized Demosthenes as their model. Many speakers in our own country have literally translated passages from his orations and produced electrical effects upon sober English senators by thoughts first uttered to passionate Athenian crowds. Why is this? Not from the style—the style vanishes in translation. It is because thoughts the noblest appeal to emotions the most masculine and popular. You see in Demosthenes the man accustomed to deal with the practical business of men, to generalize details, to render complicated affairs clear to the ordinary understanding, and, at the same time, to connect the material interests of life with the sentiments that warm the breast and exalt the soul. It is the brain of an accomplished statesman in unison with a generous heart, thoroughly in earnest, beating loud and high with the passionate desire to convince breathless thousands how to baffle a danger and to save their country. *Bulwer.*

Difference Between Oratory and Poetry.—With as deep a reverence for the true as ever inspired the bosom of man, I would, nevertheless, limit in some measure its modes of inculcation. I would limit to enforce them. I would not enfeeble them by dissipation. The demands of truth are severe; she has no sympathy with the myrtles. All that which is so indispensable in song is precisely all that with which she has nothing whatever to do. It is but making her a flaunting paradox to wreathe her in gems and flowers. In enforcing a truth we need severity rather than efflorescence of language. We must be simple, precise, terse. We must be cool, calm, unimpassioned. In a word, we must be in that mood which, as nearly as possible, is the exact converse of the poetical. He must be blind, indeed, who does not perceive the radical and chasmal differences between the truthful and poetical modes of inculcation. He must be theory-mad beyond redemption who, in spite of these differences, shall still persist in attempting to reconcile the obstinate oils and waters of poetry and truth. *Poe.*

Henry Clay's First Speech.—When Henry Clay lived at Lexington, Kentucky, before his admission to the bar, he connected himself with a debating society holding its meetings in the schoolhouse of the little town. On a certain evening, just as the debate was about to be terminated and the usual vote to be taken, he was heard to remark in an undertone that he did not think the subject had been exhausted. Some of the members then urged him to speak, and their importunities at length prevailed. Mr. Clay arose, but in the greatest confusion. He stammered out the words, "Gentlemen of the jury," to the surprise and amazement of the assembly, and his trepidation increased. He repeated the same words a second time with a still more aggravated result. At length, by a vigorous effort, probably stung by the scarcely suppressed ridicule of his audience, he mastered his fears and commenced his speech. As he progressed, he gained confidence; he warmed with his subject; his fine powers came into full play; and before he concluded, he convinced all who heard him that he was an orator of high gifts and of brilliant promise.

Smucker.

The Perfect Orator.—In the orator a wide range of knowledge is indispensable, for without knowledge mere fluency is empty and ridiculous, and the oration must be highly wrought, not only by means of well selected words, but by their harmonious arrangement. The orator must possess, moreover, a profound acquaintance with all the passions and emotions natural to mankind, for the whole resources and persuasive power of oratory are to be expended in either exciting or soothing the minds of the auditors. To these qualities must be added a spice of sprightliness and wit, such learning as is worthy of a free man, as well as quickness and conciseness both in retort and attack, with which are to be blended refined beauty of language and deliberate courtesy of manner.

Cicero.

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RICHARD HENRY LEE

ADDRESS TO THE PEOPLE OF GREAT BRITAIN

[Richard Henry Lee, an American patriot and statesman, who moved in the Continental Congress the adoption of the Declaration of Independence, was born in Virginia in 1732. He was sent to England to receive his education, but upon his return to Virginia espoused the patriot cause. Elected to the House of Burgesses, he began the long series of his patriotic speeches by pleading for the rights of the people in opposition to British exactions. He was chosen to the Continental Congress and sat in that body for some years. In June, 1776, he prepared and introduced the celebrated resolution declaring for the independence of the United States. He was for a time unfriendly to Washington, and also opposed to the adoption of the Constitution of the United States, but when the national government was finally established, he became a senator from Virginia. He likewise returned to the support of Washington. He died in 1794. His remonstrance to the English people against the tyranny of Great Britain over the American colonies was first read in the Continental Congress, in 1775.]

THE Twelve United Colonies, by their delegates in Congress, to the inhabitants of Great Britain, — Friends, countrymen, and brethren: By these, and by every other appellation that may designate the ties which bind us to each other, we entreat your serious attention to this, our second attempt to prevent their dissolution. Remembrance of former friendships, pride in the glorious achievements of our common ancestors, and affection for the heirs of their virtues have hitherto preserved our mutual connection; but when that friendship is violated by the grossest of injuries—when the pride of ancestry becomes our reproach, and we are no otherwise allied than as tyrants and slaves—when reduced to the melancholy alternative of renouncing your favor or our freedom—can we hesitate about the choice? Let the spirit of Britons determine.

In a former address we asserted our rights and stated the injuries we had then received. We hoped that the mention of our wrongs would have roused that honest indignation which has slept too long for your honor or the welfare of the empire. But we have not been permitted to entertain this pleasing expectation. Every day brought an accumulation of injuries, and the invention of the ministry has been constantly exercised in adding to the calamities of your American brethren.

After the most valuable right of legislation was infringed; when the powers assumed by your Parliament, in which we are not represented, and, from our local and other circumstances, cannot properly be represented, rendered our property precarious; after being denied that mode of trial to which we have been long indebted for the safety of our persons and the preservation of our liberties; after being in many instances divested of those laws which were transmitted to us by our common ancestors, and subjected to an arbitrary code, compiled under the auspices of Roman tyrants; after those charters which encouraged our predecessors to brave death and danger in every shape, on unknown seas, in deserts unexplored, amidst barbarous and inhospitable nations, were annulled; when, without the form of trial, without a public accusation, whole colonies were condemned, their trade destroyed, their inhabitants impoverished; when soldiers were encouraged to imbrue their hands in the blood of Americans by offers of impunity; when new modes of trial were instituted for the ruin of the accused, where the charge carried with it the horrors of conviction; when a despotic government was established in a neighboring province, and its limits extended to our very frontiers—we little imagined that anything could be added to this black catalogue of unprovoked injuries. But we have unhappily been deceived, and the late measures of the British ministry fully convince us that their object is the reduction of these colonies to slavery and ruin.

To confirm this assertion, let us recall your attention to the affairs of America since our last address. Let us combat the calumnies of our enemies, and let us warn you of the dangers that threaten you in our destruction. Many of your fellow subjects, whose situation deprived them of other support, drew their maintenance from the sea; but the deprivation of our liberty being insufficient to satisfy the resentment of our enemies, the horrors of famine were superadded, and a British Parliament, who, in better times, were the protectors of innocence and the patrons of humanity, have, without distinction of age or sex, robbed thousands of the food which they were accustomed to draw from that inexhaustible source, placed in their neighborhood by the benevolent Creator.

Another act of your legislature shuts our ports, and prohibits our trade with any but those states from whom the great law of self-preservation renders it absolutely necessary we should at present withhold our commerce. But this act —whatever may have been its design—we consider rather as injurious to your opulence than our interest. All our commerce terminates with you; and the wealth we procure from other nations is soon exchanged for your superfluities. Our remittances must then cease with our trade, and our refinements with our affluence. We trust, however, that the laws which deprive us of every blessing but a soil that teems with the necessaries of life and that liberty which renders the enjoyment of them secure will not relax our vigor in their defense.

We might here observe on the cruelty and inconsistency of those who, while they publicly brand us with reproachful and unworthy epithets, endeavor to deprive us of the means of defense by their interposition with foreign powers, and to deliver us to the lawless ravages of a merciless soldiery. But happily we are not without resources; and though the timid and humiliating applications of a British ministry should prevail with foreign nations, yet industry, prompted by necessity, will not leave us without the necessary supplies.

We could wish to go no farther, and, not to wound the ear of humanity, leave untold those rigorous acts of oppression which are daily exercised in the town of Boston, did we not hope that, by disclaiming their deeds and punishing the perpetrators, you would shortly vindicate the honor of the British name and reestablish the violated laws of justice.

That once populous, flourishing, and commercial town is now garrisoned by an army, sent not to protect but to enslave its inhabitants. The civil government is overturned, and a military despotism erected upon its ruins. Without law, without right, powers are assumed unknown to the Constitution. Private property is unjustly invaded. The inhabitants, daily subjected to the licentiousness of the soldiery, are forbid to remove, in defiance of their natural rights, in violation of the most solemn compacts. Or if, after long and wearisome solicitation, a pass is procured, their effects are detained; and even those who are most favored have no alternative but poverty or slavery. The distress of many thousand people, wantonly deprived of the necessaries of life, is a subject on which we would not wish to enlarge.

Yet we cannot but observe that a British fleet—unjustified even by acts of your legislature—is daily employed in ruining our commerce, seizing our ships, and depriving whole communities of their daily bread. Nor will a regard for your honor permit us to be silent, while British troops sully your glory by actions which the most inveterate enmity will not palliate among civilized nations—the wanton and unnecessary destruction of Charlestown, a large, ancient, and once populous town, just before deserted by its inhabitants, who had fled to avoid the fury of your soldiery.

If still you retain those sentiments of compassion by which Britons have ever been distinguished—if the humanity which tempered the valor of our common ancestors has not degenerated into cruelty—you will lament the miseries of their descendants.

To what are we to attribute this treatment? If to any secret principle of the Constitution, let it be mentioned; let us learn that the government we have long revered is not without its defects, and that, while it gives freedom to a part, it necessarily enslaves the remainder of the empire. If such a principle exists, why for ages has it ceased to operate? Why at this time is it called into action? Can no reason be assigned for this conduct? Or must it be resolved into the wanton exercise of arbitrary power? And shall the descendants of Britons tamely submit to this? No, sirs! We never will, while we revere the memory of our gallant and virtuous ancestors—we never can surrender those glorious privileges for which they fought, bled, and conquered. Admit that your fleets could destroy our towns and ravage our seacoasts;

these are inconsiderable objects, things of no moment, to men whose bosoms glow with the ardor of liberty. We can retire beyond the reach of your navy, and, without any sensible diminution of the necessaries of life, enjoy a luxury which from that period you will want—the luxury of being free.

We know the force of your arms, and, were it called forth in the cause of justice and your country, we might dread the exertion; but will Britons fight under the banners of tyranny? Will they counteract the labors and disgrace the victories of their ancestors? Will they forge chains for their posterity? If they descend to this unworthy task, will their swords retain their edge, their arms their accustomed vigor? Britons can never become the instruments of oppression till they lose the spirit of freedom, by which alone they are invincible.

Our enemies charge us with sedition. In what does it consist? In our refusal to submit to unwarrantable acts of injustice and cruelty? If so, show us a period in your history in which you have not been equally seditious.

We are accused of aiming at independence; but how is this accusation supported? By the allegations of your ministers, not by our actions. Abused, insulted, and contemned, what steps have we pursued to obtain redress? We have carried our dutiful petitions to the throne. We have applied to your justice for relief. We have retrenched our luxury and withheld our trade.

The advantages of our commerce were designed as a compensation for your protection. When you ceased to protect, for what were we to compensate?

What has been the success of our endeavors? The clemency of our sovereign is unhappily diverted; our petitions are treated with indignity; our prayers answered by insults. Our application to you remains unnoticed, and leaves us the melancholy apprehension of your wanting either the will or the power to assist us.

Even under these circumstances, what measures have we taken that betray a desire of independence? Have we called in the aid of those foreign powers who are the rivals of your grandeur? When your troops were few and defenseless, did we take advantage of their distress and expel them from our towns? Or have we permitted them to fortify, to receive new aid, and to acquire additional strength?

Let not your enemies and ours persuade you that in this we were influenced by fear or any other unworthy motive. The lives of Britons are still dear to us. They are the children of our parents, and an uninterrupted intercourse of mutual benefits had knit the bonds of friendship. When hostilities were commenced—when on a late occasion we were wantonly attacked by your troops—though we repelled their assaults and returned their blows, yet we lamented the wounds they obliged us to give; nor have we yet learned to rejoice at a victory over Englishmen.

As we wish not to color our actions or disguise our thoughts, we shall, in the simple language of truth, avow the measures we have pursued, the motives upon which we have acted, and our future designs.

When our late petition to the throne produced no other effect than fresh injuries and votes of your legislature, calculated to justify every severity; when your fleets and your armies were prepared to wrest from us our property, to rob us of our liberties or our lives; when the hostile attempts of General Gage evinced his designs, we levied armies for our security and defense. When the powers vested in the governor of Canada gave us reason to apprehend danger from that quarter, and we had frequent intimations that a cruel and savage enemy was to be let loose upon the defenseless inhabitants of our frontiers, we took such measures as prudence dictated, as necessity will justify. We possessed ourselves of Crown Point and Ticonderoga. Yet give us leave most solemnly to assure you that we have not yet lost sight of the object we have ever had in view—a reconciliation with you on constitutional principles, and a restoration of that friendly intercourse which, to the advantage of both, we till lately maintained.

The inhabitants of this country apply themselves chiefly to agriculture and commerce. As their fashions and manners are similar to yours, your markets must afford them the conveniences and luxuries for which they exchange the produce of their labors. The wealth of this extended continent centers with you; and our trade is so regulated as to be subservient only to your interest. You are too reasonable to expect that by taxes, in addition to this, we should contribute to your expense; to believe, after diverting the fountain, that the streams can flow with unabated force.

It has been said that we refuse to submit to the restrictions on our commerce. From whence is this inference drawn? Not from our words; we have repeatedly declared the contrary; and we again profess our submission to the several acts of trade and navigation passed before the year 1763; trusting nevertheless in the equity and justice of Parliament, that such of them as, upon cool and impartial consideration, shall appear to have imposed unnecessary or grievous restrictions will, at some happier period, be repealed or altered. And we cheerfully consent to the operation of such acts of the British Parliament as shall be restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue of the subjects in America without their consent.

It is alleged that we contribute nothing to the common defense. To this we answer that the advantages which Great Britain receives from the monopoly of our trade far exceed our proportion of the expense necessary for that purpose. But should these advantages be inadequate thereto, let the restrictions on our trade be removed, and we will cheerfully contribute such proportion when constitutionally required.

It is a fundamental principle of the British Constitution that every man should have at least a representative share in the formation of those laws by which he is bound. Were it otherwise, the regulation of our internal police by a British Parliament, who are, and ever will be, unacquainted with our local circumstances, must be always inconvenient and frequently oppressive, working our wrong without yielding any possible advantage to you.

A plan of accommodation—as it has been absurdly called—has been proposed by your ministers to our respective assemblies. Were this proposal free from every other objection but that which arises from the time of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breast? Can they treat with freedom while their towns are sacked, when daily instances of injustice and oppression disturb the slower operations of reason?

If this proposal is really such as you would offer and we accept, why was it delayed till the nation was put to useless expense and we were reduced to our present melancholy situation? If it holds forth nothing, why was it proposed? unless indeed to deceive you into a belief that we were unwilling to listen to any terms of accommodation. But what is submitted to our consideration? We contend for the disposal of our property. We are told that our demand is unreasonable; that our assemblies may indeed collect our money, but that they must at the same time offer, not what your exigencies or ours may require, but so much as shall be deemed sufficient to satisfy the desires of a minister and enable him to provide for favorites and dependents. A recurrence to your own treasury will convince you how little of the money already extorted from us has been applied to the relief of your burdens. To suppose that we would thus grasp the shadow and give up the substance is adding insult to injuries.

We have nevertheless again presented a humble and dutiful petition to our sovereign; and, to remove every imputation of obstinacy, have requested his Majesty to direct some mode by which the united applications of his faithful colonists may be improved into a happy and permanent reconciliation. We are willing to treat on such terms as can alone render an accommodation lasting; and we flatter ourselves that our pacific efforts will be attended with a removal of ministerial troops and a repeal of those laws of the operation of which we complain, on the one part, and a disbanding of our army and a dissolution of our commercial associations, on the other.

Yet conclude not from this that we propose to surrender our property into the hands of your ministry, or vest your Parliament with a power which may terminate in our destruction. The great bulwarks of our Constitution we have desired to maintain by every temperate, by every peaceable means; but your ministers—equal foes to British and American freedom—have added to their former oppressions an attempt to reduce us by the sword to a base and abject submission. On the sword, therefore, we are compelled to rely for protection. Should victory declare in your favor, yet men trained to arms from their infancy, and animated by the love of liberty, will afford neither a cheap nor easy conquest. Of this at least we are assured, that our struggle will be glorious, our success certain; since even in death we shall find that freedom which in life you forbid us to enjoy.

Let us now ask what advantages are to attend our reduction? The trade of a ruined and desolate country is always inconsiderable, its revenue trifling, the expense of subjecting and retaining it in subjection certain and inevitable. What then remains but the gratification of an ill-judged pride, or the hope of rendering us subservient to designs on your liberty?

Soldiers who have sheathed their swords in the bowels of their American brethren will not draw them with more reluctance against you. When too late, you may lament the loss of that freedom which we exhort you, while still in your power, to preserve.

On the other hand, should you prove unsuccessful; should that connection which we most ardently desire to maintain be dissolved; should your ministers exhaust your treasures and waste the blood of your countrymen in vain attempts on our liberty, do they not deliver you, weak and defenseless, to your natural enemies?

Since, then, your liberty must be the price of your victories, your ruin of your defeat, what blind fatality can urge you to a pursuit destructive of all that Britons hold dear?

If you have no regard to the connection that has for ages subsisted between us—if you have forgot the wounds we have received fighting by your side for the extension of the empire—if our commerce is not an object below your consideration—if justice and humanity have lost their influence on your hearts—still motives are not wanting to excite your indignation at the measures now pursued: your wealth, your honor, your liberty are at stake.

Notwithstanding the distress to which we are reduced, we sometimes forget our own afflictions to anticipate and sympathize in yours. We grieve that rash and inconsiderate counsels should precipitate the destruction of an empire which has been the envy and admiration of ages, and call God to witness that we would part with our property, endanger our lives, and sacrifice everything but liberty to redeem you from ruin.

A cloud hangs over your heads and ours; ere this reaches you, it may probably burst upon us; let us, then, before the remembrance of former kindness is obliterated, once more repeat those appellations which are ever grateful to our ears; let us entreat Heaven to avert our ruin and the destruction that threatens our friends, brethren, and countrymen on the other side of the Atlantic.

LEO XIII.

CHRISTIAN DEMOCRACY

[Leo XIII., Pope, Sovereign Pontiff of the Holy Roman Catholic Church, was born in Carpineto, Italy, in 1810, his family name being Pecci. He early became a pupil of the Jesuits and subsequently entered the College of Noble Ecclestiastics, which prepares for the career of nuncio. He was made a domestic prelate to Pope Gregory XVI. in 1837, and ordained priest the same year. The Pope appointed him apostolic delegate to Benevento in 1838, and a few years later he was promoted to be delegate to Spoleto, and finally attained the full rank of nuncio. He was stationed in this capacity at Brussels, in 1843, being raised, about the same time, to the office of Archbishop of Damietta. After two years he quitted the field of papal diplomacy, and was made Archbishop of Perugia. At last he was given a post in Rome—that of cardinal camerlingo. The conclave of 1878 elected him as the successor of Pius IX., and he became Pope Leo XIII. Leo XIII. has shown much interest in education and has restored the philosophy of Thomas Aquinas to a conspicuous place in the church's educational system. The following address was read in the Vatican, at Rome, in 1901, and was translated into many languages and read in Catholic churches throughout the world.]

THE grave discussions on economical questions which for some time past have disturbed the peace of several countries of the world are growing in frequency and intensity to such a degree that the minds of thoughtful men are filled, and rightly so, with worry and alarm. These discussions take their rise in the bad philosophical and ethical teaching which is now widespread among the people. The changes also which the mechanical inventions of the age have introduced, the rapidity of communication between places and the devices of every kind for diminishing labor and increasing gain, all add bitterness to the strife; and lastly, matters have been brought to such a pass by the struggle between capital and labor, fomented as it is by professional agitators, that the countries where these disturbances most frequently occur find themselves confronted with ruin and disaster.

At the very beginning of Our Pontificate We clearly pointed out what the peril was which confronted Society on this head, and We deemed it Our duty to warn Catholics, in unmistakable language, how great the error was which was lurking in the utterances of Socialism, and how great the danger was that threatened not only their temporal possessions, but also their morality and religion. That was the purpose of Our Encyclical Letter " Quod Apostolici Muneris " which We published on the eighteenth of December in the year 1878; but as these dangers day by day threatened still greater disaster, both to individuals and the commonwealth, We strove with all the more energy to avert them. This was the object of Our Encyclical " Rerum Novarum " of the fifteenth May, 1891, in which We dwelt at length on the rights and duties which both classes of Society—those, namely, who control capital, and those who contribute labor—are bound in relation to each other; and at the same time, We made it evident that the remedies which are most useful to protect the cause of Religion, and to terminate the contest between the different classes of Society, were to be found in the precepts of the Gospel.

Nor, with God's grace, were Our hopes entirely frustrated. Even those who are not Catholics, moved by the power of truth, avowed that the Church must be credited with a watchful care over all classes of Society, and especially those whom fortune had least favored. Catholics, of course, profited abundantly by these Letters, for they not only received encouragement and strength for the admirable enterprises in which they were engaged, but also obtained the light which they desired, by the help of which they were able with greater safety and with more plentiful blessings to continue the efforts which they had been making in the matter of which We are now speaking. Hence it happened that the differences of opinion which prevailed among them were either removed or their acrimony diminished and the discussion laid aside. In the work which they had undertaken this was effected, viz.: that in their efforts for the elevation of the poorer classes, especially in those places where the trouble is greatest, many new enterprises were set on foot; those which were already established were increased, and all reaped the blessing of a greater stability imparted to them. Some of these works were called "Bureaus of the People," their object being to supply information. Rural Savings Banks had been established, and various Associations, some for mutual aid, others of relief, were organized. There were Working Men's Societies and other enterprises for work or beneficence. Thus under the auspices of the Church united action of Catholics was secured as well as wise discrimination exercised in the distribution of help for the poor who are often as badly dealt with by chicanery and exploitation of their necessities, as they are oppressed by indigence and toil. These schemes of popular benevolence were, at first, distinguished by no particular appellation. The name of "Christian Socialism" with its derivatives which was adopted by some was very properly allowed to fall into disuse. Afterwards some asked to have it called "The Popular Christian Movement." In the countries most concerned with this matter, there are some who are known as "Christian Socialists." Elsewhere the movement is described as "Christian Democracy," and its partisans "Christian Democrats," in contra-distinction to those who are designated as "Socialists," and whose system is known as "Social Democracy." Not much exception is taken to the former, i.e., "Christian Socialism," but many excellent men find the term "Christian Democracy" objectionable. They hold it to be very ambiguous and for this reason open to two objections. It seems by implication to covertly favor popular government, and to disparage other methods of political administration. Secondly, it appears to belittle religion by restricting its scope to the care of the poor, as if the other sections of Society were not of its concern. More than that, under the shadow of its name there might easily lurk a design to attack all legitimate power either civil or sacred. Wherefore, since this discussion is now so widespread, so exaggerated, and so bitter, the consciousness of duty warns Us to put a check on this controversy and to define what Catholics are to think on this matter. We also propose to describe how the movement may extend its scope and be made more useful to the commonwealth.

What "Social Democracy" is and what "Christian Democracy" ought to be, assuredly no one can doubt. The first, with due consideration to the greater or less intemperance of its utterance, is carried to such an excess by many as to maintain that there is really nothing existing above the natural order of things, and that the acquirement and enjoyment of corporal and external goods constitute man's happiness. It aims at putting all government in the hands of the people, reducing all ranks to the same level, abolishing all distinction of class, and finally introducing community of goods. Hence the right of ownership is to be abrogated, and whatever property a man possesses, or whatever means of livelihood he has, is to be common to all.

As against this, "Christian Democracy," by the fact that it is Christian, is built, and necessarily so, on the basic principles of Divine Faith, and provides for the betterment of the masses, with the ulterior object of availing itself of the occasion to fashion their minds for things which are everlasting. Hence, for "Christian Democracy" justice is sacred; it must maintain that the right of acquiring and possessing property cannot be impugned, and it must safeguard the various distinctions and degrees which are indispensable in every well-ordered commonwealth. Finally it must endeavor to preserve in every human society the form and the character which God ever impresses on it. It is clear, therefore, that there is nothing in common between "Social" and "Christian Democracy." They differ from each other as much as the sect of Socialism differs from the profession of Christianity.

Moreover, it would be a crime to distort this name of "Christian Democracy" to politics, for although democracy, both in its philological and philosophical significations, implies popular government, yet in its present application it is so to be employed that, removing from it all political significance, it is to mean nothing else than a benevolent and Christian movement in behalf of the people. For the laws of nature and of the Gospel, which by right are superior to all human contingencies, are necessarily independent of all modifications of civil government, while at the same time they are in concord with everything that is not repugnant to morality and justice. They are, therefore, and they must remain absolutely free from political parties, and have nothing to do with the various changes of administration which may occur in a nation; so that Catholics may and ought to be citizens according to the constitution of any state, guided as they are by those laws which command them to love God above all things, and their neighbors as themselves. This has always been the discipline of the Church. The Roman Pontiffs acted upon this principle whenever they dealt with different countries, no matter what might be the character of their governments. Hence, the mind and the action of Catholics who are devoted to the amelioration of the working classes can never be actuated with the purpose of favoring and introducing one government in place of another.

In the same manner, from "Christian Democracy" We must remove another possible subject of reproach, namely, that while looking after the advantage of the working people they should act in such a manner as to forget the upper classes of Society; for they also are of the greatest use in preserving and perfecting the commonwealth. As We have explained, the Christian law of charity will prevent Us from so doing. For it extends to all classes of Society, and all should be treated as members of the same family, as children of the same Heavenly Father, as redeemed by the same Saviour, and called to the same eternal heritage. Hence the doctrine of the Apostle who warns us that "we are one body and one spirit called to the one hope in our vocation; one Lord, one Faith, and one Baptism; one God and the Father of all who is above all, and through all, and in us all." Wherefore on account of the nature of the union which exists between the different classes of Society and which Christian brotherhood makes still closer, it follows that no matter how great Our devotion may be in helping the people, We should all the more keep Our hold upon the upper classes, because association with them is proper and necessary, as We shall explain later on, for the happy issue of the work in which We are engaged.

Let there be no question of fostering under this name of

"Christian Democracy" any intention of diminishing the spirit of obedience, or of withdrawing people from their lawful rulers. Both the natural and the Christian law command us to revere those who, in their various grades, are above us in the State, and to submit ourselves to their just commands. It is quite in keeping with our dignity as men and Christians to obey, not only exteriorly but from the heart, as the Apostle expresses it, *for conscience sake*, when he commands us to keep our soul subject to the higher powers. It is abhorrent to the profession of a Christian for any one to be unwilling to be subject and obedient to those who rule in the Church, and first of all to the bishops whom (without prejudice to the universal power of the Roman Pontiff) "the Holy Ghost has placed to rule the Church of God which Christ has purchased by His blood" (Acts xx. 28). He who thinks or acts otherwise is guilty of ignoring the grave precept of the Apostle who bids us to obey our rulers and to be subject to them, for they watch, having to give an account of our souls. Let the faithful everywhere implant these principles deep in their souls, and put them in practice in their daily life, and let the ministers of the Gospel meditate them profoundly, and incessantly labor not merely by exhortation but especially by example to make them enter into the souls of others.

We have recalled these matters which on other occasions We have made the subject of Our instructions, in the hope that all dissension about the name of "Christian Democracy" will cease and that all suspicion of any danger coming from what the name signifies will be put at rest. And with reason do We hope so; for neglecting the opinions of certain men with regard to the power and the efficacy of this kind of "Christian Democracy," which at times are exaggerated and are not free from error, let no one, however, condemn that zeal which, according to the natural and Divine law, has this for its object, viz.: to make the condition of those who toil more tolerable; to enable them to obtain, little by little, those means by which they may provide for the future; to help them to practice in public and in private the duties which morality and religion inculcate; to aid them to feel that they are not animals but men, not heathens but Christians, and so to enable them to strive more zealously and more eagerly for the one thing which is necessary, viz.: that ultimate good for which we are all born into this world. This is the intention; this is the work of those who wish that the people should be animated by Christian sentiments and should be protected from the contamination of Socialism which threatens them.

We have designedly made mention here of virtue and religion. For it is the opinion of some, and the error is already very common, that the social question is merely an economic one, whereas in point of fact it is above all a moral and religious matter, and for that reason must be settled by the principles of morality and according to the dictates of religion. For even though wages are doubled and the hours of labor are shortened and food is cheapened, yet if the workingman hearkens to the doctrines that are taught on this subject, as he is prone to do, and is prompted by the examples set before him to throw off respect for God and to enter upon a life of immorality, his labors and his gain will avail him naught.

Trial and experience have made it abundantly clear that many a workman lives in cramped and miserable quarters, in spite of his shorter hours and larger wages, simply because he has cast aside the restraints of morality and religion. Take away the instinct which Christian virtue has planted and nurtured in men's hearts, take away prudence, temperance, frugality, patience, and other correct natural habits, no matter how much he may strive, he will never achieve prosperity. That is the reason why We have incessantly exhorted Catholics to enter these associations for bettering the condition of the laboring classes, and to organize other undertakings with the same object in view; but We have likewise warned them that all this should be done under the auspices of religion, with its help and under its guidance.

The zeal of Catholics on behalf of the masses is especially noteworthy by the fact that it is engaged in the very field in which, under the benign inspiration of the Church, the active industry of charity has always labored, adapting itself in all cases to the varying exigencies of the times. For the law of mutual charity perfects, as it were, the law of justice, not merely by giving each man his due and in not impeding him in the exercise of his rights, but also by befriending him in case of need, "not with the word alone, or the lips, but in deed and in truth"; being mindful of what Christ so lovingly said to His own: "A new commandment I give unto you, that you love one another as I have loved you, that you love also one another. By this shall all men know that you are my disciples, if you have love one for the other." This zeal in coming to the rescue of Our fellowmen should, of course, be solicitous, first for the imperishable good of the soul, but it must not neglect what is necessary and helpful for the body.

We should remember what Christ said to the disciples of the Baptist who asked him: "Art thou he that art to come or look we for another?" He invoked, as the proof of the mission given to Him among men, His exercise of charity, quoting for them the text of Isaias: "The blind see, the lame walk, the lepers are cleansed, the deaf hear, the dead rise again, the poor have the gospel preached to them" (Matthew xi. 5). And speaking also of the last judgment and of the rewards and punishments He will assign, He declared that He would take special account of the charity men exercised towards each other. And in that discourse there is one thing that especially excites our surprise, viz.: that Christ omits those works of mercy which comfort the soul and refers only to external works which, although done in behalf of men, He regards as being done to Himself. "For I was hungry and you gave Me to eat; I was thirsty and you gave Me to drink; I was a stranger and you took Me in; naked and you covered Me; sick and you visited Me; I was in prison and you came to Me" (Matthew xxv. 35).

To the teachings which enjoin the twofold charity of spiritual and corporal works, Christ adds His own example so that no one may fail to recognize the importance which He attaches to it. In the present instance we recall the sweet words that came from His paternal heart: "I have pity on the multitude" (Mark vii. 2), as well as the desire He had to assist them even if it were necessary to invoke His miraculous power. Of His tender compassion we have the proclamation made in Holy Writ, viz.: that "He went about doing good and healing all that were oppressed by the devil" (Acts x. 38). This law of charity which He imposed upon His apostles, they in the most holy and zealous way put into practice; and after them those who embraced Christianity originated that wonderful variety of institutions for alleviating all the miseries by which mankind is afflicted. And these institutions carried on and continually increased their powers of relief and were the especial glories of Christianity and of the civilization of which it was the source, so that right-minded men never fail to admire those foundations, aware as they are of the proneness of men to concern themselves about their own and neglect the needs of others.

Nor are we to eliminate from the list of good works the giving of money for charity, in pursuance of what Christ has said: "But yet that which remaineth, give alms" (Luke xi. 41). Against this the Socialist cries out and demands its abolition as injurious to the native dignity of man. But if it is done in the manner which the Scripture enjoins (Matthew vi. 2), and in conformity with the true Christian spirit, it neither connotes pride in the giver nor inflicts shame upon the one who receives. Far from being dishonorable for man, it draws closer the bonds of human society by augmenting the force of the obligation of the duties which men are under with regard to each other. No one is so rich that he does not need another's help; no one so poor as not to be useful in some way to his fellow man; and the disposition to ask assistance from others with confidence, and to grant it with kindness, is part of our very nature. Thus justice and charity are so linked with each other, under the equable and sweet law of Christ, as to form an admirable cohesive power in human society and to lead all of its members to exercise a sort of providence in looking after their own and in seeking the common good as well.

As regards not merely the temporary aid given to the laboring classes, but the establishment of permanent institutions in their behalf, it is most commendable for charity to undertake them. It will thus see that more certain and more reliable means of assistance will be afforded to the necessitous. That kind of help is especially worthy of recognition which forms the minds of mechanics and laborers to thrift and foresight so that in course of time they may be able, in part at least, to look out for themselves. To aim at that is not only to dignify the duty of the rich towards the poor, but to elevate the poor themselves; for while it urges them to work for a better degree of comfort in their manner of living, it preserves them meantime from danger by checking extravagance in their desires, and acts as a spur in the practice of the virtues proper to their state. Since, therefore, this is of such great avail and so much in keeping with the spirit of the times, it is a worthy object for charity to undertake with all prudence and zeal.

Let it be understood, therefore, that this devotion of Catholics to comfort and elevate the mass of the people is in keeping with the spirit of the Church and is most conformable to the examples which the Church has always held up for imitation. It matters very little whether it goes under the name of "The Popular Christian Movement," or "Christian Democracy," if the instructions that have been given by Us be fully carried out with the submission that is due. But it is of the greatest importance that Catholics should be one in mind, will, and action in a matter of such great moment. And it is also of importance that the influence of these undertakings should be extended by the multiplication of men and means devoted to the same object.

Especially must there be appeals to the kindly assistance of those whose rank, worldly wealth, and culture give them importance in the community. If their help is excluded, scarcely anything can be done which will be of any assistance for the wants which now clamor for satisfaction in this matter of the well-being of the people. Assuredly the more earnestly many of those who are prominent in the State conspire effectively to attain that object the quicker and surer will the end be reached. We wish them to understand that they are not at all free to look after or neglect those who happen to be beneath them, but that it is a strict duty which binds them. For no one lives only for his personal advantage in a community; he lives for the common good as well, so that when others cannot contribute their share for the general object, those who can do so are obliged to make up the deficiency. The very extent of the benefits they have received increases the burden of their responsibility, and a stricter account will have to be rendered to God who bestowed those blessings upon them. What should also urge all to the fulfillment of their duty in this regard is the widespread disaster which will eventually fall upon all classes of Society if this assistance does not arrive in time; and therefore is it that he who neglects the cause of the distressed poor is not doing his duty to himself or to the State.

If this social movement extends its scope far and wide in a true Christian fashion, and grows in its proper and genuine spirit, there will be no danger, as is feared, that those other institutions, which the piety of our ancestors have established and which are now flourishing, will decline or be absorbed by new foundations. Both of them spring from the same root of charity and religion, and not only do not conflict with each other, but can be made to coalesce and combine so perfectly as to provide by a union of their benevolent resources in a more efficacious manner against the graver perils and necessities of the people which confront us to-day.

The condition of things at present proclaims, and proclaims vehemently, that there is need for a union of brave minds with all the resources they can command. The harvest of misery is before Our eyes, and the dreadful projects of the most disastrous national upheavals are threatening Us from the growing power of the socialistic movement. They have insidiously worked their way into the very heart of the State, and in the darkness of their secret gatherings, and in the open light of day, in their writings and their harangues, they are urging the masses onward to sedition; they fling aside religious discipline, they scorn duties and clamor only for rights; they are working incessantly on the multitudes of the needy which daily grow greater, and which, because of their poverty, are easily deluded and hurried off into ways that are evil. It is equally the concern of the State and of Religion, and all good men should deem it a sacred duty to preserve and guard both in the honor which is their due.

That this most desirable agreement of wills should be maintained, it is essential that all refrain from giving any causes of dissension in hurting and alienating the minds of others. Hence in newspapers and in speeches to the people, let them avoid subtle and useless questions which are neither easy to solve nor to understand except by minds of unusual ability and only after the most serious study. It is quite natural for people to think differently in doubtful questions, but those who address themselves to these subjects in a proper spirit will preserve their mental calm and not forget the respect which is due to those who differ from them. If minds see things in another light it is not necessary to become alienated forthwith. To whatever opinion a man's judgment may incline, if the matter is yet open to discussion let him keep it, provided his mental attitude is such that he is ready to yield if the Holy See should otherwise decide.

This Catholic action, of whatever description it may be, will work with greater effect if all of the various associations, while preserving their individual rights, move together under one primary and directive force.

In Italy We desire that this directive force should emanate from the Catholic Congresses and Reunions so often praised by Us, to further which Our Predecessor and We Ourselves have ordered that these meetings should be controlled and guided by the Bishops of the country. So let it be for other nations, in case there be any leading organization of this description to which this matter has been legitimately entrusted.

Now in all questions of this sort where the interests of the Church and the Christian people are so closely allied, it is evident what they who are in the sacred ministry should do, and it is clear how industrious they should be in inculcating right doctrine and in teaching the duties of prudence and charity. To go out and move among the people, to exert a healthy influence on them by adapting themselves to the present condition of things is what more than once in addressing the clergy We have advised. More frequently also in writing to the Bishops and other dignitaries of the Church, and especially of late (to the Minister General of the Minorities, November 25, 1898) We have lauded this affectionate solicitude for the people and declared it to be the especial duty of both the secular and regular clergy. But in the fulfillment of this obligation let there be the greatest caution and prudence exerted, and let it be done after the fashion of the saints. Francis, who was poor and humble, Vincent of Paul, the Father of the afflicted classes, and very many others whom the Church keeps ever in her memory, were wont to lavish their care upon the people, but in such wise as not to be engrossed overmuch or to be unmindful of themselves or to let it prevent them from laboring with the same assiduity in the perfection of their own soul and the cultivation of virtue.

There remains one thing upon which We desire to insist very strongly, in which not only the ministers of the gospel, but also all those who are devoting themselves to the cause of the people, can with very little difficulty bring about a most commendable result. That is to inculcate in the minds of the people, in a brotherly way and whenever the opportunity presents itself, the following principles, viz.: to keep aloof on all occasions from seditious acts and seditious men; to guard inviolate the rights of others; to show a proper respect to superiors; to willingly perform the work in which they are employed; not to grow weary of the restraint of family life which in many ways is so advantageous; to keep to their religious practices above all, and in their hardships and trials to have recourse to the Church for consolation. In the furtherance of all this, it is very efficacious to propose the splendid example of the Holy Family of Nazareth, and to advise the invocation of its protection, and it also helps to remind the people of the examples of sanctity which have shone in the midst of poverty, and to hold up before them the reward that awaits them in the better life to come.

Finally we recur again to what we have already declared and we insist upon it most solemnly, viz.: that whatever projects individuals or associations form in this matter should be done with due regard to Episcopal authority and absolutely under Episcopal guidance. Let them not be led astray by an excessive zeal in the cause of charity. If it leads them to be wanting in proper submission it is not a sincere zeal; it will not have any useful result and cannot be acceptable to God. God delights in the souls of those who put aside their own designs and obey the rulers of His Church as if they were obeying Him; He assists them even when they attempt difficult things and benignly leads them to their desired end. Let them show also examples of virtue, so as to prove that a

Christian is a hater of idleness and indulgence, that he gives willingly from his goods for the help of others, and that he stands firm and unconquered in the midst of adversity. Examples of that kind have a power of moving people to dispositions of soul that make for salvation, and have all the greater force as the condition of those who give them is higher in the social scale.

We exhort you, Venerable Brethren, to provide for all this, as the necessities of men and of places may require, according to your prudence and your zeal, meeting as usual in council to combine with each other in your plans for the furtherance of these projects. Let your solicitude watch and let your authority be effective in controlling, compelling, and also in preventing, lest any one under the pretext of good should cause the vigor of sacred discipline to be relaxed or the order which Christ has established in His Church to be disturbed. Thus by the correct, concurrent, and ever-increasing labor of all Catholics, the truth will flash out more brilliantly than ever, viz.: that truth and true prosperity flourish especially among those peoples whom the Church controls and influences; and that she holds it as her sacred duty to admonish every one of what the law of God enjoins, to unite the rich and the poor in the bonds of fraternal charity, and to lift up and strengthen men's souls in the times when adversity presses heavily upon them.

Let Our commands and Our wishes be confirmed by the words which are so full of apostolic charity which the Blessed Paul addressed to the Romans: "I beseech you therefore, brethren, be reformed in the newness of your mind; he that giveth, with simplicity; he that ruleth, with carefulness; he that showeth mercy, with cheerfulness. Let love be without dissimulation—hating that which is evil; clinging to that which is good; loving one another with the charity of brotherhood; with honor preventing one another; in carefulness, not slothful; rejoicing in hope; patient in tribulation; instant in prayer. Communicating to the necessities of the saints. Pursuing hospitality. Rejoice with them that rejoice; weep with them that weep; being of one mind to one another; to no man rendering evil for evil; providing good things not only in the sight of God but also in the sight of men."

ABRAHAM LINCOLN

COOPER UNION SPEECH

[Abraham Lincoln was born in Hardin County, Ky., in 1809, and living a humble life upon the frontiers of civilization, showed much energy and industry in self-education. In 1832 he was captain of a company in the Black Hawk War, afterwards kept a store; next became deputy surveyor of Sangamon County, Ill., and then began the study of law. At twenty-five he entered the Illinois legislature, and soon took the leadership of the Whig party. Settling at Springfield, he entered into various successive law partnerships. In 1846 he was elected to Congress as the Whig member from Illinois, and here he introduced a bill to abolish slavery in the District of Columbia. In 1855 he entered the field of public debate with Stephen A. Douglas on the question of admitting Kansas as a free or a slave state. The honors of the debate went to Lincoln. In February, 1860, Lincoln delivered a notable speech in Cooper Institute, New York City, on the attitude of the framers of the Constitution to the question of slavery. In May of the same year he was nominated for President by the Republican national convention, and chosen in the ensuing election. His career as President is well known. He was assassinated at Ford's Theater, Washington, on the evening of April 14, 1865. The first of the following speeches was that made at Cooper Union, New York city, in 1860; the second was made in Springfield, Ill., in 1857, on the decision of the famous Dred Scott case.]

MR. PRESIDENT, and fellow citizens of New York: The facts with which I shall deal this evening are mainly old and familiar; nor is there anything new in the general use I shall make of them. If there shall be any novelty it will be in the mode of presenting the facts and the inferences and observations following that presentation.

In his speech last autumn at Columbus, Ohio, as reported in the "New York Times," Senator Douglas said: —

> "Our fathers, when they framed the government under which we live, understood this question just as well and even better than we do now."

I fully endorse this and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and an agreed starting point for a discussion between Republicans and that wing of the Democracy headed by Senator Douglas. It simply leaves the inquiry: "What was the understanding those fathers had of the question mentioned?"

What is the frame of government under which we live?

The answer must be: "The Constitution of the United States." That Constitution consists of the original, framed in 1787 (and under which the present government first went into operation), and twelve subsequently framed amendments, the first ten of which were framed in 1789.

Who were our fathers that framed the Constitution? I suppose the "thirty-nine" who signed the original instrument may be fairly called our fathers who framed that part of the present government. It is almost exactly true to say they framed it, and it is altogether true to say they fairly represented the opinion and sentiment of the whole nation at that time.

Their names, being familiar to nearly all, and accessible to quite all, need not now be repeated.

I take these "thirty-nine" for the present as being our "fathers who framed the government under which we live."

What is the question which according to the text those fathers understood "just as well and even better than we do now"?

It is this: Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal government to control as to slavery in our Federal territories?

Upon this Senator Douglas holds the affirmative and Republicans the negative. This affirmation and denial form an issue, and this issue—this question—is precisely what the text declares our fathers understood "better than we."

Let us now inquire whether the "thirty-nine" or any of them acted upon this question; and if they did how they acted upon it—how they expressed that better understanding.

In 1789, by the first Congress which sat under the Constitution, an act was passed to enforce the Ordinance of 1787, including the prohibition of slavery in the Northwestern

Territory. The bill for this act was reported by one of the "thirty-nine," Thomas Fitzsimmons, then a member of the House of Representatives from Pennsylvania. It went through all its stages without a word of opposition and finally passed both branches without yeas and nays, which is equivalent to a unanimous passage. In this Congress there were sixteen of the thirty-nine fathers who framed the original Constitution. They were John Langdon, Nicholas Gilman, William S. Johnson, Roger Sherman, Robert Morris, Thomas Fitzsimmons, William Few, Abraham Baldwin, Rufus King, William Paterson, George Clymer, Richard Bassett, George Read, Pierce Butler, Daniel Carroll, James Madison.

This shows that in their understanding no line dividing local from Federal authority, nor anything in the Constitution, properly forbade Congress to prohibit slavery in the Federal territory; else both their fidelity to correct principles and their oath to support the Constitution would have constrained them to oppose the prohibition.

Again: George Washington, another of the "thirty-nine," was then President of the United States and, as such, approved and signed the bill; thus completing its validity as a law and thus showing that in his understanding no line dividing local from Federal authority, nor anything in the Constitution, forbade the Federal government to control as to slavery in Federal territory.

No great while after the adoption of the original Constitution North Carolina ceded to the Federal government the country now constituting the state of Tennessee; and a few years later Georgia ceded that which now constitutes the states of Mississippi and Alabama. In both deeds of cession it was made a condition by the ceding states that the Federal government should not prohibit slavery in the ceded country. Besides this, slavery was then actually in the ceded country. Under these circumstances Congress on taking charge of these countries did not absolutely prohibit slavery within them. But they did interfere with it—take control of it—even there, to a certain extent. In 1798 Congress organized the territory of Mississippi. In the act of organization they prohibited the bringing of slaves into the territory from any place without the United States by fine, and giving freedom to slaves so brought. This act passed both branches of Congress without yeas and nays. In that Congress were three of the "thirty-nine" who framed the original Constitution. They were John Langdon, George Read, and Abraham Baldwin. They all probably voted for it. Certainly they would have placed their opposition to it upon record if in their understanding any line dividing local from Federal authority or anything in the Constitution properly forbade the Federal government to control as to slavery in Federal territory.

In 1803 the Federal government purchased the Louisiana country. Our former territorial acquisitions came from certain of our own states, but this Louisiana country was acquired from a foreign nation. In 1804 Congress gave a territorial organization to that part of it which now constitutes the state of Louisiana. New Orleans, lying within that part, was an old and comparatively large city. There were other considerable towns and settlements, and slavery was extensively and thoroughly intermingled with the people. Congress did not, in the Territorial Act, prohibit slavery; but they did interfere with it—take control of it—in a more marked and extensive way than they did in the case of Mississippi. The substance of the provision therein made in relation to slaves was:

First. That no slave should be imported into the territory from foreign parts.

Second. That no slave should be carried into it who had been imported into the United States since the first day of May, 1798.

Third. That no slave should be carried into it except by the owner and for his own use as a settler; the penalty in all the cases being a fine upon the violator of the law and freedom to the slave.

This act also was passed without yeas and nays. In the Congress which passed it there were two of the "thirty-nine." They were Abraham Baldwin and Jonathan Dayton. As stated in the case of Mississippi, it is probable they both voted for it. They would not have allowed it to pass without recording their opposition to it if in their understanding it violated either the line properly dividing local from Federal authority or any provision of the Constitution.

In 1819–20 came and passed the Missouri question. Many votes were taken, by yeas and nays, in both branches of Congress, upon the various phases of the general question. Two of the "thirty-nine"—Rufus King and Charles Pinckney—were members of that Congress. Mr. King steadily voted for slavery prohibition and against all compromises, while Mr. Pinckney as steadily voted against slavery prohibition and against all compromises. By this Mr. King showed that in his understanding no line dividing local from Federal authority, nor anything in the Constitution, was violated by Congress prohibiting slavery in Federal territory; while Mr. Pinckney by his vote showed that in his understanding there was some sufficient reason for opposing such prohibition in that case.

The cases I have mentioned are the only acts of the "thirty-nine," or of any of them, upon the direct issue which I have been able to discover.

To enumerate the persons who thus acted, as being four in 1784, two in 1787, seventeen in 1789, three in 1798, two in 1804, and two in 1819–20, there would be thirty of them. But this would be counting John Langdon, Roger Sherman, William Few, Rufus King, and George Read each twice, and Abraham Baldwin three times. The true number of those of the "thirty-nine" whom I have shown to have acted upon the question which by the text they understood better than we is twenty-three, leaving sixteen not shown to have acted upon it in any way.

Here, then, we have twenty-three out of our thirty-nine fathers "who framed the government under which we live," who have, upon their official responsibility and their corporal oaths, acted upon the very question which the text affirms they "understood just as well and even better than we do now"; and twenty-one of them—a clear majority of the whole "thirty-nine"—so acting upon it as to make them guilty of gross political impropriety and wilful perjury if in their understanding any proper division between local and Federal authority, or anything in the Constitution they had made themselves and sworn to support, forbade the Federal government to control as to slavery in the Federal territories. Thus the twenty-one acted; and, as actions speak louder than words, so actions, under such responsibility, speak still louder.

Two of the twenty-three voted against Congressional prohibition of slavery in the Federal territories in the instances in which they acted upon the question. But for what reasons they so voted is not known. They may have done so because they thought a proper division of local from Federal authority or some provision or principle of the Constitution stood in the way; or they may, without any such question, have voted against the prohibition on what appeared to them to be sufficient grounds of expediency. No one who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it; but one may or ought to vote against a measure which he deems constitutional if at the same time he deems it inexpedient. It, therefore, would be unsafe to set down even the two who voted against the prohibition as having done so because in their understanding any proper division of local from Federal authority, or anything in the Constitution, forbade the Federal government to control as to slavery in Federal territory.

The remaining sixteen of the "thirty-nine," so far as I have discovered, have left no record of their understanding upon the direct question of Federal control of slavery in the Federal territories. But there is much reason to believe that their understanding upon that question would not have appeared different from that of their twenty-three compeers had it been manifested at all.

For the purpose of adhering rigidly to the text, I have purposely omitted whatever understanding may have been manifested by any person, however distinguished, other than the thirty-nine fathers who framed the original Constitution; and for the same reason I have also omitted whatever understanding may have been manifested by any of the "thirty-nine" even on any other phase of the general question of slavery. If we should look into their acts and declarations on those other phases, as the foreign slave-trade and the morality and policy of slavery generally, it would appear to us that on the direct question of Federal control of slavery in Federal territories the sixteen, if they had acted at all, would

THE EARLY HOME OF LINCOLN

Photogravure after a photograph

probably have acted just as the twenty-three did. Among that sixteen were several of the most noted anti-slavery men of those times—as, Dr. Franklin, Alexander Hamilton, and Gouverneur Morris—while there was not one now known to have been otherwise, unless it may be John Rutledge, of South Carolina.

The sum of the whole is that, of our thirty-nine fathers who framed the original Constitution, twenty-one—a clear majority of the whole—certainly understood that no proper division of local from Federal authority, nor any part of the Constitution, forbade the Federal government to control slavery in the Federal territories; whilst all the rest probably had the same understanding. Such unquestionably was the understanding of our fathers who framed the original Constitution; and the text affirms that they understood the question "better than we."

But so far I have been considering the understanding of the question manifested by the framers of the original Constitution. In and by the original instrument a mode was provided for amending it; and as I have already stated, the present frame of "the government under which we live" consists of that original and twelve amendatory articles framed and adopted since. Those who now insist that Federal control of slavery in Federal territories violates the Constitution point us to the provisions which they suppose it thus violates; and as I understand, they all fix upon provisions in these amendatory articles and not in the original instrument. The Supreme Court in the Dred Scott case plant themselves upon the fifth amendment, which provides that no person shall be deprived of "life, liberty, or property without due process of law"; while Senator Douglas and his peculiar adherents plant themselves upon the tenth amendment, providing that "the powers not delegated to the United States by the Constitution" "are reserved to the states respectively or to the people."

Now it so happens that these amendments were framed by the first Congress which sat under the Constitution—the identical Congress which passed the act already mentioned, enforcing the prohibition of slavery in the Northwestern Territory. Not only was it the same Congress, but they were the identical same individual men who at the same session and at the same time within the session had under consideration and in progress toward maturity these constitutional amendments, and this act prohibiting slavery in all the territory the nation then owned. The constitutional amendments were introduced before and passed after the act enforcing the ordinance of 1787; so that during the whole pendency of the act to enforce the ordinance the constitutional amendments were also pending.

The seventy-six members of that Congress, including sixteen of the framers of the original Constitution, as before stated, were preeminently our fathers who framed that part of "the government under which we live" which is now claimed as forbidding the Federal government to control slavery in the Federal territories.

Is it not a little presumptuous in any one at this day to affirm that the two things which that Congress deliberately framed and carried to maturity at the same time are absolutely inconsistent with each other? And does not such affirmation become impudently absurd when coupled with the other affirmation from the same mouth, that those who did the two things alleged to be inconsistent understood whether they really were inconsistent better than we—better than he who affirms that they are inconsistent?

It is surely safe to assume that the thirty-nine framers of the original Constitution and the seventy-six members of the Congress which framed the amendments thereto, taken together, do certainly include those who may be fairly called "our fathers who framed the government under which we live." And, so assuming, I defy any man to show that any one of them ever in his whole life declared that, in his understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal government to control as to slavery in the Federal territories. I go a step further. I defy any one to show that any living man in the whole world ever did, prior to the beginning of the present century (and I might almost say prior to the beginning of the last half of the present century), declare that, in his understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal government to control as to slavery in the Federal territories. To those who now so declare I give not only "our fathers who framed the government under which we live," but with them all other living men within the century in which it was framed among whom to search, and they shall not be able to find the evidence of a single man agreeing with them.

Now and here let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all the lights of current experience—to reject all progress, all improvement. What I do say is, that if we would supplant the opinions and policy of our fathers in any case we should do so upon evidence so conclusive and argument so clear, that even their great authority fairly considered and weighed cannot stand; and most surely not in a case whereof we ourselves declare they understood the question better than we.

If any man at this day sincerely believes that proper division of local from Federal authority or any part of the Constitution forbids the Federal government to control as to slavery in the Federal territories, he is right to say so and to enforce his position by all truthful evidence and fair argument which he can. But he has no right to mislead others who have less access to history and less leisure to study it into the false belief that "our fathers who framed the government under which we live" were of the same opinion—thus substituting falsehood and deception for truthful evidence and fair argument. If any man at this day sincerely believes "our fathers who framed the government under which we live" used and applied principles in other cases which ought to have led them to understand that a proper division of local from Federal authority, or some part of the Constitution, forbids the Federal government to control as to slavery in the Federal territories he is right to say so. But he should at the same time brave the responsibility of declaring that, in his opinion, he understands their principles better than they did themselves; and especially should he not shirk that responsibility by asserting that they "understood the question just as well and even better than we do now."

But enough! "Let all who believe that 'our fathers who framed the government under which we live ' understood this question just as well and even better than we do now," speak as they spoke and act as they acted upon it. This is all Republicans ask—all Republicans desire—in relation to slavery. As those fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity. Let all the guarantees those fathers gave it be not grudgingly, but fully and fairly maintained. For this Republicans contend and with this, so far as I know or believe, they will be content.

And now, if they would listen—as I suppose they will not —I would address a few words to the Southern people.

I would say to them: You consider yourselves a reasonable and a just people; and I consider that in the general qualities of reason and justice you are not inferior to any other people. Still, when you speak of us Republicans you do so only to denounce us as reptiles or at the best as no better than outlaws. You will grant a hearing to pirates or murderers, but nothing like it to "Black Republicans." In all your contentions with one another each of you deems an unconditional condemnation of "Black Republicanism" as the first thing to be attended to. Indeed, such condemnation of us seems to be an indispensable prerequisite—license so to speak —among you to be admitted or permitted to speak at all. Now can you or not be prevailed upon to pause and to consider whether this is quite just to us or even to yourselves? Bring forward your charges and specifications and then be patient long enough to hear us deny or justify.

You say we are sectional. We deny it. That makes an issue and the burden of proof is upon you. You produce your proof and what is it? Why, that our party has no existence in your section—gets no votes in your section. The fact is substantially true; but does it prove the issue? If it does, then in case we should, without change of principle, begin to get votes in your section, we should thereby cease to be sectional. You cannot escape this conclusion; and yet are you willing to abide by it? If you are you will probably soon find that we have ceased to be sectional, for we shall get votes in your section this very year. You will then begin to discover, as the truth plainly is, that your proof does not touch the issue. The fact that we get no votes in your section is a fact of your making and not of ours. And if there be fault in that fact that fault is primarily yours and remains so until you show that we repel you by some wrong principle or practice. If we do repel you by any wrong principle or practice the fault is ours; but this brings you to where you ought to have started —to a discussion of the right or wrong of our principle. If our principle, put in practice, would wrong your section for the benefit of ours or for any other object, then our principle and we with it are sectional and are justly opposed and denounced as such. Meet us, then, on the question of whether our principle, put in practice, would wrong your section; and so meet us as if it were possible that something may be said on our side. Do you accept the challenge? No! Then you really believe that the principle which "our fathers who framed the government under which we live" thought so clearly right as to adopt it and endorse it again and again upon their official oaths is in fact so clearly wrong as to demand your condemnation without a moment's consideration.

Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his Farewell Address. Less than eight years before Washington gave that warning he had, as President of the United States, approved and signed an act of Congress enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the government upon that subject up to and at the very moment he penned that warning; and about one year after he penned it he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should at some time have a confederacy of free states.

Bearing this in mind and seeing that sectionalism has since arisen upon this same subject, is that warning a weapon in your hands against us or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us who sustain his policy, or upon you who repudiate it? We respect that warning of Washington and we commend it to you, together with his example pointing to the right application of it.

But you say you are conservative—eminently conservative—while we are revolutionary, destructive, or something of the sort. What is conservatism? Is it not adherence to the old and tried against a new and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by "our fathers who framed the government under which we live"; while you with one accord reject and scout and spit upon that old policy and insist upon substituting something new. True, you disagree among yourselves as to what that substitute shall be. You are divided on new propositions and plans, but you are unanimous in rejecting and denouncing the old policy of the fathers. Some of you are for reviving the foreign slave-trade; some for a congressional slave-code for the territories; some for Congress forbidding the territories to prohibit slavery within their limits; some for maintaining slavery in the territories through the judiciary; some for the "gur-reat pur-rinciple" that "if one man would enslave another, no third man should object," fantastically called "Popular Sovereignty"; but never a man among you in favor of Federal prohibition of slavery in Federal territories, according to the practice of "our fathers who framed the government under which we live." Not one of all your various plans can show a precedent or an advocate in the century within which our government originated. Consider, then, whether your claim of conservatism for yourselves and your charge of destructiveness against us are based on the most clear and stable foundations.

Again: you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you, who discarded the old policy of the fathers. We resisted and still resist your innovation; and thence comes the greater prominence of the question. Would you have that question reduced to its former proportions? Go back to that old policy. What has been will be again under the same conditions. If you would have the peace of the old times, readopt the precepts and policy of the old times.

You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's

Ferry! John Brown!! John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter you know it or you do not know it. If you do know it you are inexcusable for not designating the man and proving the fact. If you do not know it you are inexcusable for asserting it and especially for persisting in the assertion after you have tried and failed to make the proof. You need not be told that persisting in a charge which one does not know to be true is simply malicious slander.

Some of you admit that no Republican designedly aided or encouraged the Harper's Ferry affair, but still insist that our doctrines and declarations necessarily lead to such results. We do not believe it. We know we hold to no doctrine and make no declaration which were not held to and made by " our fathers who framed the government under which we live." You never dealt fairly by us in relation to this affair. When it occurred, some important state elections were near at hand, and you were in evident glee with the belief that by charging the blame upon us you could get an advantage of us in those elections. The elections came, and your expectations were not quite fulfilled. Every Republican man knew that, as to himself at least, your charge was a slander, and he was not much inclined by it to cast his vote in your favor. Republican doctrines and declarations are accompanied with a continued protest against any interference whatever with your slaves or with you about your slaves. Surely this does not encourage them to revolt. True, we do, in common with " our fathers who framed the government under which we live," declare our belief that slavery is wrong; but the slaves do not hear us declare even this. For anything we say or do the slaves would scarcely know there is a Republican party. I believe they would not, in fact, generally know it but for your misrepresentations of us in their hearing. In your political contests among yourselves, each faction charges the other with sympathy with Black Republicanism; and then, to give point to the charge, defines Black Republicanism to simply be insurrections, blood, and thunder among the slaves.

Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Southampton insurrection twenty-eight years ago, in which at least three times as many lives were lost as at Harper's Ferry? You can scarcely stretch your very elastic fancy to the conclusion that Southampton was "got up by Black Republicanism." In the present state of things in the United States I do not think a general or even a very extensive slave insurrection is possible. The indispensable concert of action cannot be attained. The slaves have no means of rapid communication; nor can incendiary freemen, black or white, supply it. The explosive materials are everywhere in parcels, but there neither are nor can be supplied the indispensable connecting trains.

Much is said by Southern people about the affections of slaves for their masters and mistresses, and a part of it, at least, is true. A plot for an uprising could scarcely be devised and communicated to twenty individuals before some one of them, to save the life of a favorite master or mistress, would divulge it. This is the rule, and the slave revolution in Hayti was not an exception to it, but a case occurring under peculiar circumstances. The gunpowder plot of British history, though not connected with slaves, was more in point. In that case only about twenty were admitted to the secret; and yet one of them, in his anxiety to save a friend, betrayed the plot to that friend, and by consequence averted the calamity. Occasional poisonings from the kitchen, and open or stealthy assassinations in the field, and local revolts, extending to a score or so, will continue to occur as the natural results of slavery; but no general insurrection of slaves, as I think, can happen in this country for a long time. Whoever much fears or much hopes for such an event will be alike disappointed.

In the language of Mr. Jefferson, uttered many years ago, "it is still in our power to direct the progress of emancipation and deportation peaceably, and in such slow degrees as that the evil will wear off insensibly; and their places be, pari passu, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up."

Mr. Jefferson did not mean to say, nor do I, that the power of emancipation is in the Federal government. He spoke of Virginia; and as to the power of emancipation, I speak of the slave-holding states only. The Federal government, however, as we insist, has the power of restraining the extension of the institution—the power to ensure that a slave insurrection shall never occur on any American soil which is now free from slavery.

John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. That affair, in its philosophy, corresponds with the many attempts related in history at the assassination of kings and emperors. An enthusiast broods over the oppression of a people till he fancies himself commissioned by heaven to liberate them. He ventures the attempt, which ends in little else than his own execution. Orsini's attempt on Louis Napoleon and John Brown's attempt at Harper's Ferry were, in their philosophy, precisely the same. The eagerness to cast blame on old England in the one case and on New England in the other does not disprove the sameness of the two things.

And how much would it avail you if you could, by the use of John Brown, Helper's Book, and the like break up the Republican organization? Human action can be modified to some extent, but human nature cannot be changed. There is a judgment and a feeling against slavery in this nation which cast at least a million and a half of votes. You cannot destroy that judgment and feeling—that sentiment—by breaking up the political organization which rallies around it. You can scarcely scatter and disperse an army which has been formed into order in the face of your heaviest fire; but if you could, how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot-box into some other channel? What would that other channel probably be? Would the number of John Browns be lessened or enlarged by the operation?

But you will break up the Union rather than submit to a denial of your constitutional rights.

That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right plainly written down in the Constitution. But we are proposing no such thing.

When you make these declarations you have a specific and well-understood allusion to an assumed constitutional right of yours to take slaves into the Federal territories and to hold them there as property. But no such right is specifically written in the Constitution. That instrument is literally silent about any such right. We on the contrary deny that such a right has any existence in the Constitution even by implication.

Your purpose, then, plainly stated, is that you will destroy the government unless you be allowed to construe and enforce the Constitution as you please on all points in dispute between you and us. You will rule or ruin in all events.

This, plainly stated, is your language. Perhaps you will say the Supreme Court has decided the disputed constitutional question in your favor. Not quite so. But, waiving the lawyer's distinction between dictum and decision, the court have decided the question for you in a sort of way. The court have substantially said it is your constitutional right to take slaves into the Federal territories and to hold them there as property. When I say the decision was made in a sort of way, I mean it was made in a divided court by a bare majority of the judges, and they not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact—the statement in the opinion that "the right of property in a slave is distinctly and expressly affirmed in the Constitution."

An inspection of the Constitution will show that the right of property in a slave is not "distinctly and expressly affirmed" in it. Bear in mind, the judges do not pledge their judicial opinion that such right is impliedly affirmed in the Constitution; but they pledge their veracity that it is "distinctly and expressly" affirmed there—"distinctly," that is, not mingled with anything else; "expressly," that is, in words meaning just that, without the aid of any inference, and susceptible of no other meaning.

If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication it would be open to others to show that neither the word "slave" nor "slavery" is to be found in the Constitution, nor the word "property," even, in any connection with language alluding to the things slave or slavery; and that wherever in that instrument the slave is alluded to he is called a "person"; and wherever his master's legal right in relation to him is alluded to it is spoken of as "service or labor which may be due"—as a debt payable in service or labor. Also, it would be open to show by contemporaneous history that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on purpose to exclude from the Constitution the idea that there could be property in man.

To show all this is easy and certain.

When this obvious mistake of the judges shall be brought to their notice, is it not reasonable to expect that they will withdraw the mistaken statement and reconsider the conclusion based upon it?

And then it is to be remembered that "our fathers who framed the government under which we live"—the men who made the Constitution—decided this same constitutional question in our favor long ago; decided it without division among themselves when making the decision; without division among themselves about the meaning of it after it was made, and so far as any evidence is left, without basing it upon any mistaken statement of facts.

Under all these circumstances do you really feel yourselves justified to break up this government, unless such a court decision as yours is shall be at once submitted to as a conclusive and final rule of political action? But you will not abide the election of a Republican president! In that supposed event you say you will destroy the Union; and then, you say, the great crime of having destroyed it will be upon us! That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, "Stand and deliver or I shall kill you, and then you will be a murderer!"

To be sure, what the robber demanded of me—my money—was my own; and I had a clear right to keep it. But it was no more my own than my vote is my own; and the threat of death to me to extort my money, and the threat of destruction to the Union to extort my vote, can scarcely be distinguished in principle.

A few words now to Republicans. It is exceedingly desirable that all parts of this great confederacy shall be at peace and in harmony one with another. Let us Republicans do our part to have it so. Even though much provoked, let us do nothing through passion and ill-temper. Even though the Southern people will not so much as listen to us, let us calmly consider their demands and yield to them if in our deliberate view of our duty we possibly can. Judging by all they say and do and by the subject and nature of their controversy with us, let us determine if we can what will satisfy them.

Will they be satisfied if the territories be unconditionally surrendered to them? We know they will not. In all their present complaints against us the territories are scarcely mentioned. Invasions and insurrections are the rage now. Will it satisfy them if in the future we have nothing to do with invasions and insurrections? We know it will not. We so know because we know we never had anything to do with invasions and insurrections; and yet this total abstaining does not exempt us from the charge and the denunciation.

The question recurs, What will satisfy them? Simply this: We must not only let them alone, but we must somehow convince them that we do let them alone. This we know by experience is no easy task. We have been so trying to convince them from the very beginning of our organization, but with no success. In all our platforms and speeches we have constantly protested our purpose to let them alone; but this has had no tendency to convince them. Alike unavailing to convince them is the fact that they have never detected a man of us in any attempt to disturb them.

These natural and apparently adequate means all failing, what will convince them? This, and this only: cease to call slavery wrong and join them in calling it right. And this must be done thoroughly—done in acts as well as in words.

Silence will not be tolerated; we must place ourselves avowedly with them. Senator Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our free-state constitutions. The whole atmosphere must be disinfected from all taint of opposition to slavery before they will cease to believe that all their troubles proceed from us.

I am quite aware they do not state their case precisely in this way. Most of them would probably say to us, "Let us alone, do nothing to us, and say what you please about slavery." But we do let them alone—have never disturbed them; so that after all it is what we say which dissatisfies them. They will continue to accuse us of doing until we cease saying.

I am also aware they have not as yet in terms demanded the overthrow of our free-state constitutions. Yet those constitutions declare the wrong of slavery with more solemn emphasis than do all other sayings against it; and when all these other sayings shall have been silenced the overthrow of these constitutions will be demanded, and nothing be left to resist the demand. It is nothing to the contrary that they do not demand the whole of this just now. Demanding what they do, and for the reason they do, they can voluntarily stop nowhere short of this consummation. Holding as they do that slavery is morally right and socially elevating, they cannot cease to demand a full national recognition of it as a legal right and a social blessing.

Nor can we justifiably withhold this on any ground save our conviction that slavery is wrong. If slavery is right, all words, acts, laws, and constitutions against it are themselves wrong and should be silenced and swept away. If it is right, we cannot justly object to its nationality—its universality; if it is wrong, they cannot justly insist upon its extension—its enlargement. All they ask we could readily grant, if we thought slavery right; all we ask they could as readily grant, if they thought it wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy. Thinking it right as they do, they are not to blame for desiring its full recognition as being right; but thinking it wrong as we do, can we yield to them? Can we cast our votes with their view and against our own? In view of our moral, social, and political responsibilities, can we do this?

Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation; but can we while our votes will prevent it allow it to spread into the national territories and to overrun us here in these free states? If our sense of duty forbids this, then let us stand by our duty fearlessly and effectively. Let us be diverted by none of those sophistical contrivances wherewith we are so industriously plied and belabored—contrivances such as groping for some middle ground between the right and the wrong, vain as the search for a man who should be neither a living man nor a dead man; such as a policy of "don't care" on a question about which all true men do care; such as union appeals beseeching true union men to yield to disunionists, reversing the divine rule and calling, not the sinners, but the righteous to repentance; such as invocations to Washington, imploring men to unsay what Washington said and undo what Washington did.

Neither let us be slandered from our duty by false accusations against us nor frightened from it by menaces of destruction to the government or of dungeons to ourselves. Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it.

ON THE DRED SCOTT DECISION

And now as to the Dred Scott decision. That decision declares two propositions—first, that a negro cannot sue in the United States courts; and secondly, that Congress cannot prohibit slavery in the territories. It was made by a divided court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing I could no more improve on McLean and Curtis than he could on Taney.

He denounces all who question the correctness of that decision, as offering violent resistance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses—first, to absolutely determine the case decided; and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called "precedents" and "authorities."

We believe as much as Judge Douglas (perhaps more) in obedience to and respect for the judicial department of government. We think its decisions on constitutional questions, when fully settled, should control not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments to the Constitution as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it to overrule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country. But Judge Douglas considers this view awful. Hear him:—

> "The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound, and enforce the law. Hence, whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government—a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy, and violence. I repeat, therefore, that if resistance to the decisions of the Supreme Court of the United States, in a matter like the points decided in the Dred Scott case, clearly within their jurisdiction as defined by the Constitution, shall be forced upon the country as a political issue, it will become a distinct and naked issue between the friends and enemies of the Constitution—the friends and the enemies of the supremacy of the laws."

I have said, in substance, that the Dred Scott decision was in part based on assumed historical facts which were not really true, and I ought not to leave the subject without giving some reasons for saying this; I therefore give an instance or two, which I think fully sustain me. Chief-Justice Taney, in delivering the opinion of the majority of the court, insists at great length that the negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States.

On the contrary, Judge Curtis, in his dissenting opinion, shows that in five of the then thirteen states—to wit, New Hampshire, Massachusetts, New York, New Jersey, and North Carolina—free negroes were voters, and in proportion to their numbers had the same part in making the Constitution that the white people had. He shows this with so much particularity as to leave no doubt of its truth; and as a sort of conclusion on that point holds the following language:—

> "The Constitution was ordained and established by the people of the United States, through the action in each State, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of the state. In some of the states, as we have seen, colored persons were among those qualified by law to act on the subject. These colored persons were not only included in the body of 'the people

> of the United States' by whom the Constitution was ordained and established; but in at least five of the states they had the power to act, and doubtless did act, by their suffrages, upon the question of its adoption."

Again, Chief-Justice Taney says:—

> "It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted."

And again, after quoting from the Declaration, he says:—

> "The general words above quoted would seem to include the whole human family, and if they were used in a similar instrument at this day, would be so understood."

In these the chief-justice does not directly assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars the condition of that race has been ameliorated; but as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last three or four years. In two of the five states—New Jersey and North Carolina—that then gave the free negro the right of voting, the right has since been taken away, and in the third—New York—it has been greatly abridged; while it has not been extended, so far as I know, to a single additional state, though the number of the states has more than doubled. In those days, as I understand, masters could, at their own pleasure, emancipate their slaves; but since then such legal restraints have been made upon emancipation as to amount almost to prohibition. In those days legislatures held the unquestioned power to abolish slavery in their respective states, but now it is becoming quite fashionable for state constitutions to withhold that power from the legislatures. In those days, by common consent, the spread of the black man's bondage to the new countries was prohibited, but now

Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would. In those days our Declaration of Independence was held sacred by all, and thought to include all; but now, to aid in making the bondage of the negro universal and eternal, it is assailed and sneered at and construed, and hawked at and torn, till, if its framers could rise from their graves, they could not at all recognize it. All the powers of earth seem rapidly combining against him. Mammon is after him, ambition follows, philosophy follows, and the theology of the day is fast joining the cry. They have him in his prison-house; they have searched his person, and left no prying instrument with him. One after another they have closed the heavy iron doors upon him; and now they have him, as it were, bolted in with a lock of a hundred keys, which can never be unlocked without the concurrence of every key—the keys in the hands of a hundred different men, and they scattered to a hundred different and distant places; and they stand musing as to what invention, in all the dominions of mind and matter, can be produced to make the impossibility of his escape more complete than it is.

It is grossly incorrect to say or assume that the public estimate of the negro is more favorable now than it was at the origin of the government.

Three years and a half ago Judge Douglas brought forward his famous Nebraska bill. The country was at once in a blaze. He scorned all opposition, and carried it through Congress. Since then he has seen himself superseded in a presidential nomination by one indorsing the general doctrine of his measure, but at the same time standing clear of the odium of its untimely agitation and its gross breach of national faith; and he has seen that successful rival constitutionally elected, not by the strength of friends, but by the division of adversaries, being in a popular minority of nearly four hundred thousand votes. He has seen his chief aids in his own state, Shields and Richardson, politically speaking, successively tried, convicted, and executed, for an offense not their own, but his. And now he sees his own case standing next on the docket for trial.

There is a natural disgust in the minds of nearly all white people at the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas evidently is basing his chief hope upon the chances of his being able to appropriate the benefit of this disgust to himself. If he can, by much drumming and repeating, fasten the odium of that idea upon his adversaries, he thinks he can struggle through the storm. He therefore clings to this hope, as a drowning man to the last plank. He makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes all men, black as well as white, and forthwith he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with negroes. He will have it that they cannot be consistent else. Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others.

Chief Justice Taney, in his opinion in the Dred Scott case, admits that the language of the Declaration is broad enough to include the whole human family, but he and Judge Douglas argue that the authors of that instrument did not intend to include negroes, by the fact that they did not at once actually place them on an equality with the whites. Now this grave argument comes to just nothing at all, by the other fact that they did not at once, or ever afterward, actually place all white people on an equality with one another. And this is the staple argument of both the chief justice and the senator for doing this obvious violence to the plain, unmistakable language of the Declaration.

I think the authors of that notable instrument intended to include *all* men, but they did not intend to declare all men equal *in all respects*. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—

equal with "certain inalienable rights, among which are life, liberty, and the pursuit of happiness." This they said, and this they meant. They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit.

They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere. The assertion that "all men are created equal" was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration not for that, but for future use. Its authors meant it to be—as, thank God, it is now proving itself—a stumbling-block to all those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack.

I have now briefly expressed my view of the meaning and object of that part of the Declaration of Independence which declares that "all men are created equal."

Now let us hear Judge Douglas's view of the same subject as I find it in the printed report of his late speech. Here it is:—

> "No man can vindicate the character, motives, and conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created equal; that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain; that they were entitled to the same inalienable rights, and among them were enumerated life, liberty, and the pursuit of happiness. The Declaration was adopted for the pur-

pose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country."

My good friends, read that carefully over in some leisure hour, and ponder well upon it; see what a mere wreck—mangled ruin—it makes of our once glorious Declaration.

"They were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain." Why, according to this, not only negroes but white people outside of Great Britain and America were not spoken of in that instrument. The English, Irish, and Scotch, along with white Americans, were included, to be sure, but the French, Germans, and other white people of the world are all gone to pot along with the judge's inferior races.

I had thought the Declaration promised something better than the condition of British subjects; but no, it only meant that we should be equal to them in their own oppressed and unequal condition. According to that, it gave no promise that, having kicked off the king and lords of Great Britain, we should not at once be saddled with a king and lords of our own.

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere; but no, it merely "was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country." Why, that object having been effected some eighty years ago, the Declation is of no practical use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won.

I understand you are preparing to celebrate the "Fourth" to-morrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate, and will even go so far as to read the Declaration. Suppose, after you read it once in the old-fashioned way, you read it once more with Judge Douglas's version. It will then run thus: "We hold these truths to be self-evident, that all British subjects who were on this continent eighty-one years ago were created equal to all British subjects born and then residing in Great Britain."

And now I appeal to all—to Democrats as well as others—are you really willing that the Declaration shall thus be frittered away?—thus left no more, at most, than an interesting memorial of the dead past?—thus shorn of its vitality and practical value, and left without the germ or even the suggestion of the individual rights of man in it?

JUSTIN McCARTHY

IN DEFENSE OF HIS COLLEAGUES

[Justin McCarthy, an Irish member of Parliament and man of letters, was born in Cork in 1830. He became a journalist in his native city when quite a young man. After some years' experience in the work of a newspaper office, he went to Liverpool and later to London where for four years he edited "The Morning Star," and afterwards wrote for the "London Daily News." His interest in the cause of Ireland had always been keen, and his sympathies with the nationalist movement gave a warm tone to his eloquence. As member of Parliament for Longford in 1879, and for Derry in 1886, he became one of the conspicuous figures in the Irish agitation that aimed at Home Rule, and in 1890 he was made chairman of the Irish Parliamentary party, holding the office until 1896, when he resigned. From 1892 to 1900 he sat in the House of Commons for North Longford. Meanwhile he had been establishing a reputation as novelist, historian, biographer, and essayist. His most noted work is "A History of Our Own Times," but he is well known for his "History of the Four Georges and William IV.," his lives of Peel, Leo XIII., and Gladstone, and for many novels, treating of English social and political life. The following speech in defense of his political colleagues was made in the House of Commons, in 1883.]

THE fate of the amendment now before the House gives me very little concern. Neither its fate, nor its purport, nor its wording is of much account to me, or to those with whom I have the honor to act. One thing is clear, that the amendment is directed not against the Irish members, but against her Majesty's ministers. I care not whether it is rejected or passed, and I do not propose to make my business either the arraignment or the defense of the government as regards its general policy.

I shall confine myself to two speeches delivered in the course of this debate—that of the right honorable gentleman the member for Bradford [Mr. Forster], and that of the right honorable gentleman the chief secretary for Ireland.

Now the speech of the right honorable gentleman the member for Bradford was undoubtedly what writers in the newspapers sometimes call "a great effort." It was a tremendous effort. I always thought the right honorable gentleman had a good deal of theatrical talent, which he had not up to the present fully developed. Those who heard his remarkable speech will agree with me that it was mimetic as well as historic. It gave us that entertainment which is often described in the playbills of theaters and music halls as "imitations of popular performers." I wish I saw him in his place in the House at present. I am hardly mistaken in thinking that he favored the House with what he believed to be imitations of the voices and manners of some honorable members of the Irish party. I am content that he shall have all the favor which his familiar attacks upon some members of that party, and his erudition in American newspapers, can win him for a time from this House and the public.

I know, too, that his motive was not merely, although it was mainly, to discredit the Irish members. He had his mind fixed also upon discrediting and damaging the government from which he has been discarded; and I am convinced that there are members of that government—aye, members who are at this moment sitting on the Treasury Bench—whom he had in his mind with a wish to discredit my honorable friend the member for the city of Cork [Mr. Parnell]. Whatever his speech was made up from—from American newspapers, from reports of meetings in the country, from hints, and more than hints, in the passionate press of London—there was one quality of that speech which was all the right honorable gentleman's own, and that was its envenomed malignity.

I never heard in this House a speech more entirely inspired with the purpose of deliberate defamation. I believe it was the right honorable gentleman's intention to do all the damage he could to the characters of some members of the House by a process of systematic calumny. He accused some of my honorable friends, and with them of course myself, of conniving at outrage and assassination. He talked of offering us an alternative; but he gave none. He made it clear that his charge was nothing short of deliberate connivance with outrage and assassination. Here is the sort of alternative the right honorable gentleman offered us: —

> "I give the honorable member an alternative, that either he connived at outrages, or, when warned by facts and statements, he determined to remain in ignorance; that he took no trouble to test the truth of whether outrages had been committed or not, but that he was willing to gain the advantage of them."

I point out that this is no alternative; that men who are informed that outrage and assassination are going on, and who determine to remain in ignorance, and are willing to gain the benefit of outrage and assassination, are distinctly conniving at those crimes.

Therefore, I tell the right honorable gentleman that when he pretended to give us an alternative he did nothing of the kind; and that as he had made up his mind to charge us by implication with conniving at murder, he ought to have stood boldly up and said so. He ought to have said so in those plain words he sometimes is able to use, and ought not to have shielded himself behind the pretense of an alternative. I should have thought that the right honorable gentleman would be the member of this House least inclined, owing to certain memories he must have, to fling accusations of sympathy with murder recklessly at other men.

When charging us with these crimes, he must have recalled a time when a newspaper, then far more influential than it now is—the "Times"—charged him with sympathy with secret assassination. I do not charge the right honorable gentleman with having sympathy with crime; but for the reason I have stated he ought to have felt a sentiment which would have prevented him from recklessly hurling similar charges in the faces of men as honorable as himself, and who feel as little thirst for blood as he does.

On the fourteenth of March, 1864, one who was then a member of this House, and is now high in her Majesty's colonial service—Sir John Pope Hennessy—brought forward certain statements in this House with regard to a right honorable friend of mine, for whom I have the highest respect, the member for Halifax [Mr. Stansfeld], and who was accused by certain newspapers of sympathy with assassination because he had harbored Mazzini and some of his friends.

This became the subject of debate in this House, and led to the right honorable gentleman, the member for Halifax, resigning his position in the government. The right honorable gentleman, the member for Bradford, stood up for his friend. I do not blame him for that—he believed him to be innocent. But what were the evidences given, and the assassination theory held, by the man for whom the right honorable gentleman, the member for Bradford, stood up in this House? Extracts were then read from Mazzini's letter, "The Theory of the Dagger." Such passages as these were read:—

> "Blessed be the knife of Palafox; blessed be in your hands every weapon that can destroy the enemy and set you free. The weapon that slew Mincovich in the Arsenal initiated the insurrection in Venice. It was a weapon of irregular warfare like that which, three months before the Republic, destroyed the Minister Rossi in Rome. . . . Sacred be the stiletto that began the Sicilian Vespers."

The right honorable gentleman, the member for Bradford, rose and said:—

> "The honorable and learned gentleman has brought forward a charge against an absent man—Signor Mazzini—who, whatever his faults, was a man of high character."

Whatever his faults? What though he blessed the knife of one man and the dagger of another, and the system of "irregular warfare" which removed Count Rossi, the minister of the late Pope Pius IX., who was murdered on the steps of the capitol, he was "a man of high character"! The right honorable gentleman's leader of the present day did not agree with his estimate of Signor Mazzini. The present prime minister had written in a preface to a translation of Signor Farini's "Roman States": "The satellites of Mazzini make common cause with assassins." After those extracts had been read and four days had passed, during which the right honorable member for Bradford had time for reflection, the subject was again raised, and the right honorable gentleman said:—

> "I should not be ashamed of being the friend of Mazzini." [Irish cheers, and a cry of "The Dagger!"] "I am not ashamed of being his acquaintance."

Well, I think that that incident is not without its interest and moral. The Irish members who brought forward that question at the time did not charge the right honorable gentleman, or think of charging him, with sympathy with assassination. The charge was that he and his companions showed a levity which disregarded what a man might do, so long as that man was a foreign patriot.

The "Times" of March 15, 1864, had a leading article on the subject, which is not without its application to the present circumstances. The right honorable gentleman was not then in the flush and heyday of youth. He was able to judge whether Mazzini and his associates and satellites were what they were represented to be. The "Times" said:—

> "Who, then, is this M. Mazzini, to whose innocence this gentleman [Mr. Stansfeld] and Mr. W. E. Forster pledge themselves? Let any one read the passages quoted by Mr. Hennessy last night, and say whether the friends of M. Mazzini have any right to indulge in high-flown indignation when it is alleged that he might possibly be engaged in a conspiracy against a potentate's life."

I ask whether the right honorable member for Bradford was justified in seizing at the chance of high-flown indignation because the newspaper that accused him then of sympathy with assassination accuses some of us now of the same thing. I wonder that the memory of that episode in his career has not made him more generous—yes, I will say, more honest—toward men whom, in his heart, he no more believes to be guilty of that charge than honorable men then believed him to be.

I pass from that not uninstructive incident to the right honorable gentleman's attack on Irish members, and the grounds on which that attack was made. He had something to say about myself in connection with "United Ireland," a paper published in Dublin. He said much the same thing about a year ago. He then went over the story of some articles that he said appeared in that paper. I believe they were not articles, but headings of paragraphs; and he appealed to me, though I was not in my place at the time, to know whether I approved of all these various paragraphs and headings.

Now, the right honorable gentleman must have known—at all events he might have known—that I could not have seen that newspaper then. He knew that I had been out of England the whole of that recess, from the end of one session to the beginning of another. [An Irish member: "He did."]

He did, and he said so himself in this House, for he indulged in some more or less graceful satire at my expense, and complained that, instead of helping to keep order in Ireland, I had been enjoying myself among the monuments of ancient Greece.

But since I was so culpable as to be enjoying myself among the monuments of ancient Greece, and in countries much farther off, he might have known that it was not likely that a Dublin paper followed me in all my wanderings. He knew that at the time he was speaking—at the time he was so playfully chiding me for the amusement of the House—he must have known that that paper was prevented from coming into this country; and though I made strenuous efforts shortly after to get copies of it, and see if it contained the terrible things it was said to contain, I was unable to obtain a copy.

However, I allow that to pass. It would not much matter if the right honorable gentleman could have sustained his charge. If he had not returned to it, I should not have cared to raise it. But I am quite willing to tell him, if it affords him the slightest interest, the history of my connection with that paper. It was started to get rid of a notorious print, which appears lately to have lived by the levying of blackmail in Dublin. It was founded by a committee of gentlemen in whom I have the greatest trust; and the editorship was given to a man whom I regard and respect, and whom I know to be incapable of conducting a journal on the principles the right honorable gentleman described.

Under these conditions I felt content, having no control over the paper, to go abroad among the monuments of ancient Greece, and to leave the paper in the hands of the able editor who has already shown his ability in this House. I did not inquire in my absence how he conducted it. I know he conducted it honorably and well; and we have learned that the only things the right honorable gentleman objects to are the paragraphs and headings which got into the paper while he had the responsible editor under lock and key in one of his prisons.

I have said enough on that point. I do not believe that any investigation would convict that editor of publishing any articles which men of honor would be ashamed to sanction.

The right honorable gentleman went over many points with the object of associating me and others with plots and assassinations. For example, he spoke of a telegram sent by Mr. Brennan, who was the correspondent of the "Irish World," to that paper. The telegram is given variously in the different journals, but I would ask the right honorable gentleman, Is this which I am about to read the right version?

"All sorts of theories are afloat concerning this explosion,"—that is, the Salford dynamite explosion,—"but the truly loyal one is that Fenianism did it."

What is the plain and evident meaning of that? Is it not that the fashionable and loyal theory, as a matter of course, is that the Fenians did it? I ask the right honorable gentleman, is not that the manifest meaning? [Mr. W. E. Forster: "I would ask the honorable member to read the remainder of the telegram."] I quote the whole of the printed version I have. The right honorable gentleman charged me with deliberate avoidance of reading articles in order that I might be able to say I do not know of the incitement to assassination they contained. Then he said:—

"I expect, or suspect"—probably suspect, it is more in his line—"I suspect the honorable member"—meaning myself—"has been careful not to read the articles to which I refer."

The charge is, perhaps, hardly parliamentary. There was a rude interruption last night, which we all regret, to an imputation which ought not to have been made; but the right honorable gentleman is allowed to say:—"I suspect the honorable member has been careful not to read the articles to which I refer."

The whole theory and purpose of his declamation and defamation was to make members of this House responsible for every violent act done, and every violent word said, by any supposed follower of his in this country or America. I should like to know how that theory would apply to the right honorable gentleman.

The right honorable gentleman has not forgotten the riots which occurred in the Reform years, nor the men who got up those riots. He has not forgotten the riot which led to the breaking down of the Hyde Park railings, and the maiming and wounding of many of the mob and some policemen. The right honorable gentleman and his friends came back to power on that smash of the Hyde Park railings.

The right honorable gentleman was well acquainted with the leader of the democratic movement—the late Mr. Beales. [Mr. W. E. Forster: "I did not know him personally."] Neither do I know personally those who have uttered these violent words and done these violent acts in Ireland, for which I am sought to be made responsible. Mr. Beales is dead. Mr. Beales was a man of honor and courage. I knew him and I respected him. But he certainly got around him, and could not help getting around him, men of very odd character and very odd pretensions. Does the right honorable gentleman remember a certain Mr. Joseph Leicester, a famous glass-blower? [Mr. W. E. Forster: "I do not remember him."]

He does not remember him? As a famous actress said on one occasion, "What a candor; but what a memory!" At the time Mr. Leicester's name used to appear in every London newspaper every morning. This distinguished supporter of the right honorable gentleman's party went to a great meeting one day—a great trades demonstration, held, I think, in Trafalgar Square—and this was part of the speech of Joseph Leicester. There was, then, as there has been more lately, a kind of rush and raid on the House of Commons to force them to pass a certain bill, and this was what this demagogue here said:—

> "The question is, were they to suffer those little-minded, decrepit, hump-backed, one-eyed scoundrels, who call themselves the House of Commons, to defraud them any longer of their rights?"

I was not a member of the House of Commons then and did not come in for any part of that lively personal description; but I ask the right honorable gentleman if some one as nearly connected with the honorable member for the city of Cork as Mr. Leicester was with the right honorable gentleman, had used words of that description to a meeting of Irishmen, what would he have said? The riots in Hyde Park took place and people were wounded. ["Question!"]

There was no cry of "Question" when the right honorable gentleman was defaming me and others, and went over land and sea and over years to find charges against us. It is quite to the question. I want to say to him and the House that it is impossible in any movement to hold the leaders responsible for every idle word and act said and done by their followers. Of this movement Mr. Beales was the leader, and when the right honorable gentleman and his friends came into power did they repudiate Mr. Beales? They made him a county court judge. Did they at any time, while these proceedings were going on, repudiate the language of any man? No.

There was a newspaper in London at the time, of which the right honorable gentleman sitting near him [Mr. John Bright] knew something, in which a writer, not now living, had once called on the people, if a certain thing were not done, to destroy the House of Lords, and to strew the Thames with the wreck of their painted chamber. I ask the right honorable gentleman, who took in that paper, whether he read it or not? [Cries of "Morning Star."]

Yes, the "Morning Star." [Mr. W. E. Forster: "I was not a shareholder."] The matter was brought to the notice of this House by an honorable member, and I am not aware that the right honorable gentleman said one single word in condemnation of that language. And remember, Mr. Speaker, that the time of the Hyde Park riots was not a time of peace. We have heard, again and again, that things may be allowed in time of peace; but that was not a time of peace. Those were dangerous times. Troops were kept in readiness—the air was full of danger. During the whole of that time the right honorable gentleman never said, as far as I know, one word to dissociate himself or any of his friends from those acts or words.

I should like to ask the right honorable gentleman another question. Did he never hear at that time that a famous continental leader of revolution was over in London and was in negotiation with some of the men concerned in these affairs with the hope of assisting them in a democratic revolution? [Mr. W. E. Forster: "No."]

He never heard of it? He never read any of the papers published at that time? He never read histories published since that time? Over and over again—in newspapers, magazines, and books—has the story of the foreign incendiary been told, and the right honorable gentleman never heard of it or read of it; and yet he supposes I read every copy of the "Irish World!"

I think I have sufficiently shown that the right honorable gentleman ought to be cautious how he makes charges against us of sympathy with assassination, or of having assisted or connived at crimes, and how he lays down the theory that a man is bound to know what is done by everybody else who is concerned with him in any popular movement. I will tell the right honorable gentleman and the House how outrages grew up in Ireland of late. The Land League was formed with the full and deliberate intent of drawing agitation above the surface.

That was its motive. Its purpose was to maintain public platforms on which agitation might go on openly and in the face of day, by which men would be withdrawn from that terrible system of conspiracy which has been the bane and curse of Ireland for so many years. That was the motive of the Land League. I saw that was its distinct purpose, and it was succeeding so manifestly in the purpose that I joined the League. The right honorable gentleman expects that every one has read every letter written by every one else.

I should ask him if he did me the favor of reading a letter of mine which was published in all the papers in England in reference to my joining the Land League? [Mr. W. E. Forster: "No."]

He did not. He only reads the "Irish World," and I did not write to the "Irish World" to explain my intentions. In that letter I stated concisely and clearly my reasons for believing the Land League would do good, and why I thought it was the duty of every patriotic Irishman to join it. I believed it was doing good by helping to close the era of conspiracy. But there came upon Ireland one autumn and one winter three influences of evil together—famine, the House of Lords, and the right honorable gentleman. The country was miserably pinched with hunger. The House of Lords rejected the poor little Compensation for Disturbance bill, which might have stopped for a while the sufferings of the people; and then, to improve the situation, the right honorable gentleman got his law for the arrest of suspicious men, under which he flung the leaders of the people into prison. Then it was that outrages began to increase. After the arrest of the honorable member for the city of Cork the movement drifted leaderless and hopeless, dropped from the high point to which it had risen in publicity and on the platform, into the seething ferment of the sea of conspiracy. The leaders of the land movement had nearly succeeded in raising Ireland out of conspiracy. That is what I fully and firmly believe, and thus history hereafter will, I am certain, write it out.

The chief secretary to the lord-lieutenant made a serious mistake when he appealed to us to-night to justify all manner of executions simply on the ground that so many murders had been committed. It is not the theory of this country that for so many murders there shall be so many executions. That is the theory of certain eastern states; but that is happily not yet the theory even in Ireland. Were the murders ten times more in number than the men put on trial for them, I should be at liberty still, if I thought I had reason, to examine into the justice of each trial and the way in which it had been conducted; and if it could be shown that there was anything like systematic jury-packing, in even one trial, no matter how many murders had been committed, I should denounce it.

The right honorable gentleman seemed a little hopeful toward the end of his speech when he spoke of the great decrease of outrages, and when there was drawn from him the statement that there was also a decrease of evictions. In searching for the causes which had led to this decrease of outrages, the fact of the decrease of evictions must not be overlooked. The right honorable gentleman then became a little more ominous in saying that he feared that lately evictions had been on the increase. Was it not possible that with the increase of evictions might come an increase of outrages? It must be remembered that there is now no such thing as the right of public meeting or free speech in Ireland. A man may make a speech if he likes at his own risk; but the right honorable gentleman tells us that if he thinks there is anything in the speech which might lead to inflame the feelings of any one, he will prevent or punish the making of such speeches, although he knows the speaker had no evil intention whatever.

There is no free platform in Ireland; no free press—no right to hold a public meeting. There is no way in which the sentiments and grievances of the people can be freely expressed. You are laboring in the dark. You are driving disaffection beneath the surface. You alone will be responsible for the consequences of the terrible and stringent measures you have adopted. As the honorable member for the city of Cork said, there is no longer any probability of the Irish leaders or Irish members of Parliament standing between you and the elements of conspiracy. I do not blame the right honorable gentleman, the chief secretary, so much for the change that has come about. The responsibility for that change I lay, as I have already said, on the shoulders of another man. I may say of him, as was said of another famous politician, that it has seldom been within the power of any human creature to do so much good as the right honorable gentleman for Bradford has prevented.

LORD MACAULAY

THE PEOPLE'S CHARTER

[Thomas Babington Macaulay, an English historian, essayist, and public man, was born in Leicestershire in 1800. He was precocious from boyhood, and upon completing his course at Cambridge had acquired prodigious learning, which his fine memory enabled him to retain. His first notable work was an essay on Milton, written when he was twenty-five. From this time he added to his fame by a series of essays on historical and biographical subjects and by his "History of England." As a poet he is noted for the "Lays of Ancient Rome." He was chosen to the House of Commons and proved a fine and effective speaker, retaining his seat for many years, although once defeated in an Edinburgh constituency. He also held important offices, including the post of member of the Supreme Council of India, which entailed his residence for some years in that country. He died in 1859. The following address, objecting to the petition contained in the People's Charter for universal suffrage, was made in the House of Commons, in 1842.]

I AM particularly desirous of saying a few words upon this question, because upon a former evening, when a discussion took place upon a motion of the honorable member for Rochdale [Mr. W. S. Crawford], I was prevented from being in my place by accidental circumstances. I know that the absence of some of the members of the late government on that occasion was considered and spoken of as exhibiting in their minds an inattention to this subject, or a want of sympathy for the interests of the humbler classes of the people of this country. For myself, I can answer that I was compelled to absent myself on account of temporary indisposition. A noble friend of mine, to whose absence particular allusion was made, was prevented from attending the House by purely accidental circumstances; and no member of the late administration, I am persuaded, was withheld by any unworthy motives from stating his opinions on this subject.

In the observations which I shall now make to the House, I shall attempt to imitate, as far as I can, the very proper temper of the speech of the right honorable baronet, the secretary of state for the Home Department [Sir James Graham]; but if I should be betrayed into the use of any expressions not entirely consistent with a calm view of the question, the House will attribute it to the warmth with which I view the subject generally, and no one who is acquainted with my feelings will attribute it to any want of kindness or of good will towards those who have signed the petition which has been presented to the House.

With regard to the motion which has been made, I cannot conscientiously vote for it. The honorable member for Finsbury [Mr. T. Duncombe] has shaped the motion with considerable skill, so as to give me a very fair plea to vote for it, if I wished to evade the discharge of my duty, so that I might say to my Conservative constituents: "I never supported universal suffrage on those extreme points for which these petitioners call"; or to a large assembly of Chartists: "When your case was before the Commons, on that occasion I voted with you." But I think that in a case so important I should not discharge my duty if I had recourse to any such evasion, and I feel myself compelled to meet the motion with a direct negative. And it seems to me that if we depart from our ordinary rule of not hearing persons at the bar of this House under circumstances of this nature, it must be understood, by our adopting such a course, if not that we are decidedly favorable to the motion which is made, at least that we have not fully made up our minds to resist what the petitioners ask. For my own part, my mind is made up in opposition to their prayer, and, being so, I conceive that the House might complain of me, and that the petitioners might also complain of me, if I were to give an untrue impression of my views by voting in favor of this motion; and I think that if I took such a course, and in three or four years hence I gave a distinct negative to every one, or to the most important clauses of the charter, there would be much reason to complain of my disingenuousness. An accusation founded upon such grounds, I shall, if I can, prevent their bringing against me.

In discussing this question I do not intend, as the right honorable member for Westminster [Mr. J. T. Leader] has suggested, to deal with the contents of the petition with any degree of harshness. To the terms of it I can scarcely allude, but to the essence of it I must refer; and I cannot but see that what the petitioners demand is that we should immediately, without alteration, deduction, or addition, pass the charter into a law; and when the honorable member for Finsbury calls on the House to hear persons in support of the prayer of the petition at the bar, I say that if he can contend that the object of that inquiry will be to investigate causes of the public distress, by all means let the motion be carried; I will not oppose it. But when I see that the petitioners send to this House, demanding that a particular law shall be passed, without addition, deduction, or modification, and that immediately, and that they demand that persons shall be heard at the bar of the House in favor of that law, I say that to allege that the only object of the inquiry is to ascertain the causes of public distress is a paltering with the question to which the House will pay no attention. There are parts of the charter to which I am favorable, for which I have voted, which I would always support; and in truth, of all the six points of the charter, there is only one to which I entertain extreme and unmitigated hostility. I have voted for the ballot. With regard to the proposition that there should be no property qualification required for members of this House, I cordially agree, for I think that where there is a qualification of property required for the constituent body, a qualification for the representative is altogether superfluous. And it is absurd, that while the members for Edinburgh and Glasgow are required to have no property qualification, the honorable member for Marylebone or Finsbury must possess such a qualification. I say that if the principle is to be adopted at all, let it be of universal application; if it be not so, let it be abandoned. It is no part of the constitution of the kingdom that such a qualification should be required; nor is it a part of the consequences of the revolution; but, after all, it was introduced by a bad parliament, now held in no high esteem, and for the purpose of defeating the revolution, and excluding the Protestant succession to the crown. With regard to the other points of the charter, I cannot support the proposition for annual parliaments, but I should be willing to meet the wishes of the petitioners by limiting their duration to a shorter period than that for which they may now endure. But I do not go the length of the charter, because there is one point which is its essence, which is so important that if you withhold it nothing can produce the smallest effect in taking away the agitation which prevails, but which, if you grant, it matters not what else you grant, and that is universal suffrage, or suffrage without any qualification of property at all. Considering that as by far the most important part of the charter, and having a most decided opinion that such a change would be utterly fatal to the country, I feel it my duty to say that I cannot hold out the least hope that I shall ever, under any circumstances, support that change.

The reasons for this opinion I will state as shortly as I can. And, in the first place, I beg to say that I entertain this view upon no ground of finality; indeed, the remarks which I have already made preclude such a supposition, but I do admit my belief that violent and frequent changes in the government of a country are not desirable. Every great change, I think, should be judged on its own merits. I am bound by no tie to oppose any legislative reform which I really believe will conduce to the public benefit; but I think that that which has been brought forward as an undoubted and conclusive argument against a change of this sort, that it is perfectly inconsistent with the continuance of the monarchy or of the House of Lords, has been much overstated. And this I say, though I profess myself a most faithful subject to her Majesty, and by no means anxious to destroy the connection which exists between the monarchy, the aristocracy, and the constitution, I cannot consider either the monarchy or the aristocracy as the end of government, but only as its means. I know instances of governments with neither a hereditary monarchy or aristocracy, yet flourishing and successful, and therefore I conceive this argument to have been overstated. But I believe that universal suffrage would be fatal to all purposes for which government exists, and for which aristocracies and all other things exist, and that it is utterly incompatible with the very existence of civilization.

I conceive that civilization rests on the security of property; but I think that it is not necessary for me, in a discussion of this kind, to go through the arguments, and through the vast experience which necessarily leads to this result; but I will assert that while property is insecure it is not in the power of the finest soil, or of the moral or intellectual constitution of any country, to prevent the country sinking into barbarism; while, on the other hand, while property is secure, it is not possible to prevent a country from advancing in prosperity. Whatever progress this country has made, in spite of all the misgovernment which can possibly be imputed to it, it cannot but be seen how irresistible is the power of the great principle of security of property. Whatever may have been the state of war in which we were engaged, men were still found laboring to supply the deficiencies of the state; and if it be the fact that all classes have the deepest interest in the security of property, I conceive that this principle follows, that we never can, without absolute danger, entrust the supreme government of the country to any class which would to a moral certainty be induced to commit great systematic inroads against the security of property.

I assume that this will be the result of this motion, and I ask whether the government, being placed at the head of the majority of the people of this country, without any pecuniary qualification, would continue to maintain the principle of the security of property? I think not. And if I am called upon to give a reason for this belief—not meaning to refer to the words of the petition with any harsh view—I will look to the petition to support what I have said. The petition must be considered as a sort of declaration of the intentions of the body who, if the charter is to become law, is to become the sovereign body of the state—as a declaration of the intentions of those who would, in that event, return the majority of the representatives of the people to this House. If I am so to consider it, it is impossible for me to look at these words without the greatest anxiety—

> "Your petitioners complain that they are enormously taxed to pay the interest of what is called the national debt—a debt amounting at present to £800,000,000, being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty, by

men not authorized by the people, and who, consequently, had no right to tax posterity for the outrages committed by them upon mankind."

If I am really to understand that as an indication of the opinion of the petitioners, it is an expression of an opinion that a national bankruptcy would be just and politic. If I am not so to understand it, I am utterly at a loss to know what it means. I conceive for my own part that it is impossible to make any distinction between the right of the fundholder to his dividends and the right of the landholder to the rent for his land, and I say that the author of this petition makes no such distinction, but treats all alike. The petitioners then speak of monopolies, and they say—

"Your petitioners deeply deplore the existence of any kind of monopoly in this nation; and whilst they unequivocally condemn the levying of any tax upon the necessaries of life, and upon those articles principally required by the laboring classes, they are also sensible that the abolition of any one monopoly will never unshackle labor from its misery until the people possess that power under which all monopoly and oppression must cease. Your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religion, of the means of traveling and transit, and of a host of other evils too numerous to mention, all arising from class legislation."

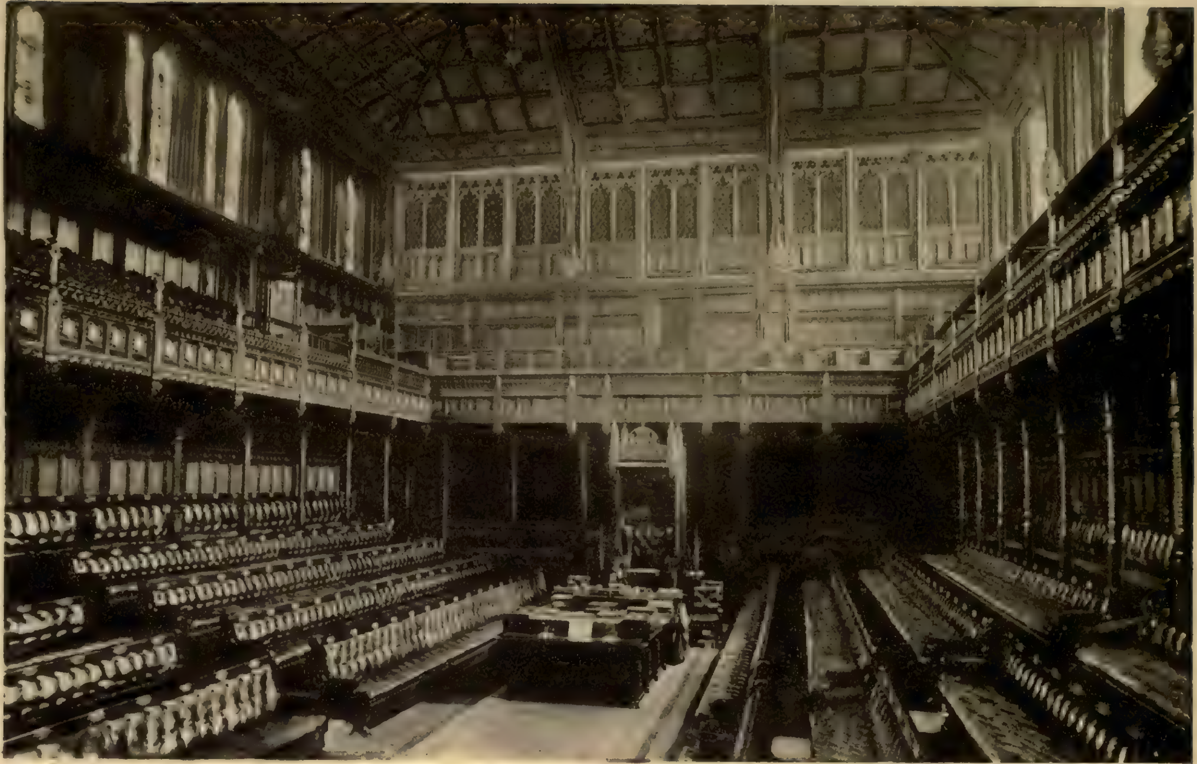
Now I ask whether this is not a declaration of the opinion of the petitioners that landed property should cease to exist? The monopoly of machinery, however, is also alluded to, and I suppose that will not be taken to refer to the monopoly of machinery alone, but the monopoly of property in general—a view which is confirmed when we further look to the complaint of the monopoly of the means of transit. Can it be anything but a confiscation of property—of the funds and of land—which is contemplated? And is it not further proposed that there should be a further confiscation of the railways also? I verily believe that that is the effect of the petition. What is the monopoly of machinery and land which is to be remedied? I believe that it is hardly necessary for me to go into any further explanation; but if I understand this petition rightly, I believe it to contain a declaration that the remedies for the evils of which it complains, and under which this country suffers, are to be found in a great and sweeping confiscation of property; and I am firmly convinced that the effect of any such measure would be, not merely to overturn those institutions which now exist, and to ruin those who are rich, but to make the poor poorer, and the amount of the misery of the country even greater than it is now represented to be.

I am far from bringing any charge against the great body of those who have signed this petition—as far as I am from approving of the conduct of those who, in procuring the petition to be signed, have put the sentiments which it embodies into a bad and pernicious form. I ask, however, are we to go out of the ordinary course of parliamentary proceedings for the purpose of giving it reception? I believe that nothing is more natural than that the feelings of the people should be such as they are described to be. Even we ourselves, with all our advantages of education, when we are tried by the temporary pressure of circumstances, are too ready to catch at anything which may hold out the hope of relief—to incur a greater evil in future, which may afford the means of present indulgence; and I cannot but see that a man, having a wife at home to whom he is attached growing thinner every day, children whose wants become every day more pressing, whose mind is principally employed in mechanical toil, may have been driven to entertain such views as are here expressed, partly from his own position and partly from the culpable neglect of the government to supply him with the means and the power of forming a better judgment. Let us grant that education would remedy these things; shall we not wait until it has done so before we agree to such a motion as this? Shall we, before such a change is wanted, give them the power and the means of ruining, not only the rich, but themselves? I have no more unkind feeling towards these petitioners than I have towards the sick man who calls for a draught of cold water, although he is satisfied that it would be death to him; nor than I have for the poor Indians whom I have seen collected round the granaries in India at a time of scarcity, praying that the doors might be thrown open and the grain distributed. But I would not in the one case give the draught of water, nor would I in the other give up the key of the granary, because I know that by doing so I shall only make a scarcity a famine, and by giving such relief enormously increase the evil. No one can say that such a spoliation of property as these petitioners point at would be a relief to the evils of which they complain, and I believe that no one will deny that it would be a great addition to the mischief which is proposed to be removed. But if such would be the result, why should such power be conferred upon the petitioners? That they should ask for it is not blamable, but on what principle is it that we, knowing that their views are entirely delusive, should put into their hands the irresistible power of doing all this evil to us and to themselves?

The only argument which can be brought forward in favor of the proposition is, as it appears to me, that this course which is demanded to be left open to the petitioners will not be taken; that although the power is given, they will not, and do not, intend to execute it. But surely this would be an extraordinary way of treating the prayer of the petition, and it would be somewhat singular to call upon the House to suppose that those who are seeking for a great concession put the object of their demand in a much higher manner than that which presented itself to their own minds. How is it possible that, according to the principles of human nature, if you give them this power, it will not be used to its fullest extent? There has been a constant and systematic attempt for years to represent the government as being able to do, and so bound to attempt, that which no government ever attempted; and instead of the government being represented, as is the truth, as being supported by the people, it has been treated as if the government supported the people; it has been treated as if the government possessed some mine of wealth—some extraordinary means for supplying the wants of the people; as if they could give them bread from the clouds—water from the rocks—to increase the bread and the fishes five thousand-fold. Is it possible to believe that the moment you give them absolute, supreme, irresistible power they will forget all this? We propose to give them supreme power. In every constituent body throughout the empire, capital and accumulated property is to be placed absolutely

ENGLISH HOUSE OF COMMONS

Photogravure after a photograph



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at the foot of labor. How is it possible to doubt what the result will be? Suppose such men as the honorable members for Bath and Rochdale being returned to sit in the House, who would, I believe, oppose such measures of extreme change as would involve a national bankruptcy. What should be the effect if their first answer to their constituents should be, "Justice and the public good demand that this thirty millions a year should be paid"? Then, with regard to land, supposing it should be determined that there should be no partition of land—and it is hardly possible to conceive that there are men to be found who would destroy all the means of creating and increasing wages, and of creating and increasing the trade and commerce of this country, which gives employment to so many—is it possible that the three millions of people who have petitioned the House should insist on the prayer of their petition?

I do not wish to say all that forces itself on my mind with regard to what might be the result of our granting this charter. Let us, if we can, picture to ourselves the consequences of such a spoliation as it is proposed should take place. Would it end with one spoliation? How could it? That distress which is the motive now for calling on the House to interfere would be only doubled and trebled by the act; the measure of distress would become greater after that spoliation, and the bulwarks against fresh acts of the same character would have been removed. The government would rest upon spoliation—all the property which any man possessed would be supported by it; and is it possible to suppose that a new state of things would exist wherein everything that was done would be right? What must be the effect of such a sweeping confiscation of property? No experience enables me to guess at it. All I can say is, that it seems to me to be something more horrid than can be imagined. A great community of human beings, a vast people, would be called into existence in a new position; there would be a depression, if not an utter stoppage, of trade, and of all those vast engagements of the country by which our people were supported; and how is it possible to doubt that famine and pestilence would come before long to wind up the effects of such a system? The best thing which I can expect, and which I think every one must see as the result is, that in some of the desperate struggles that must take place in such a state of things, some strong military despot must arise, and give some sort of protection—some security to the property which may remain. But if you flatter yourselves that after such an occurrence you would ever see again those institutions under which you have lived, you deceive yourselves; you would never see them again, and you would never deserve to see them. By all neighboring nations you would be viewed with utter contempt, and that glory and prosperity which has been so envied would be sneered at, and your fate would thus be told: "England," it would be said, "had her institutions, imperfect though they were, but which contained within themselves the means of remedying all imperfections. Those institutions were wantonly thrown away for no purpose whatever, but because she was asked to do so by persons who sought her ruin; her ruin was the consequence, and she deserves it." Believing this, I will oppose, with every faculty which I possess, the proposition for universal suffrage.

The only question is, whether this motion should be agreed to. Now, if there is any gentleman who is disposed to grant universal suffrage with a full view of all its consequences, I think that he acts perfectly conscientiously in voting for this motion; but I must say that it was with some surprise that I heard the honorable baronet the member for Leicester [Sir J. Easthope], agreeing with me as he does in the principles which I advocate, say, notwithstanding, that he is disposed to vote simply for the motion for permitting these petitioners to come to our bar to speak in defense of their petition. [Sir J. Easthope: "To expound their opinions."] I conceive their opinions are quite sufficiently expounded. They are of such an extent that I cannot, I must confess, pretend to speak of them with much respect. I shall give on this occasion a perfectly conscientious vote against hearing the petitioners at the bar; and it is my firm conviction that in doing so I am not only doing that which is best with respect to the state, but that I am really giving to the petitioners themselves much less reason for complaining than those who vote for their being heard now, but who will afterwards vote against their demand.

SIR JOHN MACDONALD

ON CANADIAN CONFEDERATION

[Sir John Alexander Macdonald, a Canadian statesman and orator, was born in Scotland in 1815. He was taken to Canada at the age of five, received an academic education, and bécame a lawyer. At the age of twenty-nine he was elected to the Canada Assembly from the constituency of Kingston. This constituency reelected him practically without interruption until his death. Soon after the beginning of his parliamentary career he had become a leader of the Conservative party in Upper Canada, and in due time was appointed premier. His great work was the union of the provinces into the Dominion of Canada, and he became the first premier of the new dominion, holding the post from 1867 to 1873. Five years later he returned to power and remained at the head of affairs until his death in 1891, notwithstanding some political vicissitudes. The speech that ensues refers to the scheme, afterwards successfully carried out, of consolidating all the Canadian provinces into one dominion, and was delivered in the Canadian House of Commons, in 1842.]

MR. SPEAKER: In fulfillment of the promise made by the government to Parliament at its last session, I have moved this resolution. I have had the honor of being charged, on behalf of the government, to submit a scheme for the confederation of all the British North American Provinces—a scheme which has been received, I am glad to say, with general if not universal approbation in Canada. The scheme, as propounded through the press, has received almost no opposition. While there may be occasionally, here and there, expressions of dissent from some of the details, yet the scheme as a whole has met with almost universal approval, and the government has the greatest satisfaction in presenting it to this House.

Although we have nominally a legislative union in Canada; although we sit in one Parliament, supposed constitutionally to represent the people without regard to sections or localities—yet we know, as a matter of fact, that since the union in 1841 we have had a federal union, that, in matters affecting Upper Canada solely, members from that section claimed and generally exercised the right of exclusive legislation, while members from Lower Canada legislated in matters affecting only their own section. We have had a federal union in fact, though a legislative union in name; and in the hot contests of late years, if on any occasion a measure affecting any one section were interfered with by the members from the other —if, for instance, a measure locally affecting Upper Canada were carried or defeated, against the wishes of its majority, by one from Lower Canada—my honorable friend, the president of the Council, and his friends denounced with all their energy and ability such legislation as an infringement of the rights of the Upper Province. Just in the same way, if any act concerning Lower Canada were pressed into law, against the wishes of the majority of her representatives, by those from Upper Canada, the Lower Canadians would rise as one man and protest against such a violation of their peculiar rights.

The relations between England and Scotland are very similar to that which obtains between the Canadas. The union between them in matters of legislation is of a federal character, because the act of union between the two countries provides that the Scottish law cannot be altered except for the manifest advantage of the people of Scotland. This stipulation has been held to be so obligatory on the legislature of Great Britain that no measure affecting the law of Scotland is passed unless it receives the sanction of a majority of the Scottish members in Parliament. No matter how important it may be for the interests of the empire as a whole to alter the laws of Scotland, no matter how much it may interfere with the symmetry of the general law of the United Kingdom, that law is not altered except with the consent of the Scottish people as expressed by their representatives in Parliament. Thus we have in Great Britain, to a limited extent, an example of the working and effects of a federal union as we might expect to witness them in our own confederation.

The whole scheme of confederation as propounded by the conference as agreed to and sanctioned by the Canadian government, and as now presented for the consideration of the people and the legislature, bears upon its face the marks of compromise. Of necessity there must have been a great deal of mutual discussion. When we think of the representatives of five colonies, all supposed to have different interests, meeting together, charged with the duty of protecting those interests and of pressing the views of their own localities and sections, it must be admitted that had we not met in a spirit of conciliation and with an anxious desire to promote this union; if we had not been impressed with the idea contained in the words of the resolution—"that the best interests and present and future prosperity of British North America would be promoted by a federal union under the crown of Great Britain"—all our efforts might have proved to be of no avail. If we had not felt that, after coming to this conclusion, we were bound to set aside our private opinions on matters of detail; if we had not felt ourselves bound to look at what was practicable—not obstinately rejecting the opinions of others nor adhering to our own; if we had not met, I say, in a spirit of conciliation, and with an anxious, overruling desire to form one people under one government, we never would have succeeded.

With these views we press the question on this House and the country. I say to this House, if you do not believe that the union of the colonies is for the advantage of the country, that the joining of these five peoples into one nation under one sovereign is for the benefit of all, then reject the scheme. Reject if you do not believe it to be for the present advantage and future prosperity of yourselves and your children. But if, after a calm and full consideration of this scheme, it is believed, as a whole, to be for the advantage of this Province—if the House and country believe this union to be one which will ensure for us British laws, British connection, and British freedom, and increase and develop the social, political, and material prosperity of the country—then I implore this House and the country to lay aside all prejudices and accept the scheme which we offer. I ask this House to meet the question in the same spirit in which the delegates met it. I ask each member of this House to lay aside his own opinions as to particular details and to accept the scheme as a whole if he think it beneficial as a whole.

As I stated in the preliminary discussion, we must consider this scheme in the light of a treaty. By a happy coincidence of circumstances, just when an administration had been formed in Canada for the purpose of attempting a solution of the difficulties under which we labored, at the same time the Lower Provinces, actuated by a similar feeling, appointed a conference with a view to a union among themselves, without being cognizant of the position the government was taking in Canada. If it had not been for this fortunate coincidence of events, never, perhaps, for a long series of years would we have been able to bring this scheme to a practical conclusion. But we did succeed. We made the arrangement, agreed upon the scheme, and the deputations from the several governments represented at the conference went back pledged to lay it before their governments, and to ask the legislatures and people of their respective provinces to assent to it. I trust the scheme will be assented to as a whole. I am sure this House will not seek to alter it in its unimportant details; and if altered in any important provisions the result must be that the whole will be set aside and we must begin *de novo*. If any important changes are made, every one of the colonies will feel itself absolved from the implied obligation to deal with it as a treaty, each province will feel itself at liberty to amend it *ad libitum* so as to suit its own views and interests; in fact, the whole of our labors will have been for naught, and we will have to renew our negotiations with all the colonies for the purpose of establishing some new scheme.

I hope the House will not adopt any such course as will postpone, perhaps forever, or at all events for a long period, all chances of union. All the statesmen and public men who have written or spoken on the subject admit the advantages of a union if it were practicable; and now, when it is proved to be practicable, if we do not embrace this opportunity, the present favorable time will pass away, and we may never have it again. Because, just so surely as this scheme is defeated, will be revived the original proposition for a union of the Maritime Provinces irrespective of Canada; they will not remain as they are now, powerless, scattered, helpless communities; they will form themselves into a power which, though not so strong as if united with Canada, will nevertheless be a powerful and considerable community, and it will be then too late for us to attempt to strengthen ourselves by this scheme, which, in the words of the resolution, "is for the best interests and present and future prosperity of British North America."

If we are not blind to our present position we must see the hazardous situation in which all the great interests of Canada stand in respect to the United States. I am no alarmist, I do not believe in the prospect of immediate war. I believe that the common sense of the two nations will prevent a war; still we cannot trust to probabilities. The government and legislature would be wanting in their duty to the people if they ran any risk. We know that the United States at this moment are engaged in a war of enormous dimensions, that the occasion of a war with Great Britain has again and again arisen and may at any time in the future again arise. We cannot foresee what may be the result; we cannot say but that the two nations may drift into a war as other nations have done before. It would then be too late, when war had commenced, to think of measures for strengthening ourselves or to begin negotiations for a union with the sister Provinces.

At this moment, in consequence of the ill feeling which has arisen between England and the United States—a feeling of which Canada was not the cause—in consequence of the irritation which now exists owing to the unhappy state of affairs on this continent, the reciprocity treaty, it seems probable, is about to be brought to an end; our trade is hampered by the passport system, and at any moment we may be deprived of permission to carry our goods through United States channels; the bonded goods system may be done away with, and the winter trade through the United States put an end to. Our merchants may be obliged to return to the old system of bringing in, during the summer months, the supplies for the whole year. Ourselves already threatened, our trade interrupted, our intercourse, political and commercial, destroyed, if we do not take warning now when we have the opportunity, and, while one avenue is threatened to be closed, open another by taking advantage of the present arrangement and the desire of the Lower Provinces to draw closer the alliance between us, we may suffer commercial and political disadvantages it may take long for us to overcome.

The conference having come to the conclusion that a legislative union, pure and simple, was impracticable, our next attempt was to form a government upon federal principles which would give to the general government the strengtth of a legislative and administrative union, while at the same time it preserved that liberty of action for the different sections which is allowed by a federal union. And I am strong in the belief that we have hit upon the happy medium in those resolutions, and that we have formed a scheme of government which unites the advantages of both, giving us the strength of a legislative union and the sectional freedom of a federal union, with protection to local interests.

In doing so we had the advantage of the experience of the United States. It is the fashion now to enlarge on the defects of the Constitution of the United States, but I am not one of those who look upon it as a failure. I think and believe that it is one of the most skilful works which human intelligence ever created; is one of the most perfect organizations that ever governed a free people. To say that it has some defects is but to say that it is not the work of Omniscience, but of human intellects. We are happily situated in having had the opportunity of watching its operation, seeing its working from its infancy till now. It was in the main formed on the model of the constitution of Great Britain, adapted to the circumstances of a new country, and was perhaps the only practicable system that could have been adopted under the circumstances existing at the time of its formation. We can now take advantage of the experience of the last seventy-eight years during which that constitution has existed, and I am strongly in the belief that we have in a great measure avoided in this system which we propose for the adoption of the people of Canada the defects which time and events have shown to exist in the American Constitution.

In the first place, by a resolution which meets with the universal approval of the people of this country, we have provided that for all time to come, so far as we can legislate for the future, we shall have as the head of the executive power the sovereign of Great Britain. No one can look into futurity and say what will be the destiny of this country. Changes come over nations and peoples in the course of ages. But so far as we can legislate we provide that for all time to come the sovereign of Great Britain shall be the sovereign of British North America. By adhering to the monarchical principle we avoid one defect inherent in the Constitution of the United States. By the election of the President by a majority and for a short period, he never is the sovereign and chief of the nation. He is never looked up to by the whole people as the head and front of the nation. He is at best but the successful leader of a party. This defect is all the greater on account of the practice of reelection. During his first term of office he is employed in taking steps to secure his own reelection, and for his party a continuance of power. We avoid this by adhering to the monarchical principle—the sovereign whom you respect and love. I believe that it is of the utmost importance to have that principle recognized so that we shall have a sovereign who is placed above the region of party—to whom all parties look up—who is not elevated by the action of one party nor depressed by the action of another, who is the common head and sovereign of all.

In the constitution we propose to continue the system of responsible government which has existed in this Province since 1841, and which has long obtained in the mother country. This is a feature of our constitution as we have it now, and as we shall have it in the federation in which, I think, we avoid one of the great defects in the constitution of the United States. There the President, during his term of office, is in a great measure a despot, a one-man power, with the command of the naval and military forces; with an immense amount of patronage as head of the executive, and with the veto power as a branch of the legislature; perfectly uncontrolled by responsible advisers, his Cabinet being departmental officers merely, whom he is not obliged by the Constitution to consult with unless he chooses to do so.

With us the sovereign, or in this country the representative of the sovereign, can act only on the advice of his ministers, those ministers being responsible to the people through Parliament. Prior to the formation of the American Union, as we all know, the different states which entered into it were separate colonies. They had no connection with each other further than that of having a common sovereign, just as with us at present. Their constitutions and their laws were different. They might and did legislate against each other, and when they revolted against the mother country they acted as separate sovereignties and carried on the war by a kind of treaty of alliance against the common enemy. Ever since the Union was formed, the difficulty of what is called "state rights" has existed, and this had much to do in bringing on the present unhappy war in the United States. They commenced, in fact, at the wrong end. They declared by their Constitution that each state was a sovereignty in itself, and that all the powers incident to a sovereignty belonged to each state, except those powers which by the Constitution were conferred upon the general government and Congress.

Here we have adopted a different system. We have strengthened the general government. We have given the general legislature all the great subjects of legislation. We have conferred on them, not only specifically and in detail, all the powers which are incident to sovereignty, but we have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and local legislatures shall be conferred upon the general government and legislature. We have thus avoided that great source of weakness which has been the cause of the disruption of the United States. We have avoided all conflict of jurisdiction and authority, and if this constitution is carried out, as it will be in full detail in the imperial act to be passed if the colonies adopt the scheme, we will have in fact, as I said before, all the advantages of a legislative union under one administration, with at the same time the guaranties for local institutions and for local laws which are insisted upon by so many in the Provinces now, I hope, to be united.

I think it is well that in framing our constitution our first act should have been to recognize the sovereignty of her Majesty. I believe that while England has no desire to lose her colonies, but wishes to retain them; while I am satisfied that the public mind of England would deeply regret the loss of these Provinces—yet, if the people of British North America, after full deliberation, had stated that they considered it was for their interest, for the advantage of the future British North America, to sever the tie, such is the generosity of the people of England that, whatever their desire to keep these colonies, they would not seek to compel us to remain unwilling subjects of the British crown. If, therefore, at the conference, we had arrived at the conclusion that it was for the interest of these Provinces that a severance should take place, I am sure that her majesty and the imperial Parliament would have sanctioned that severance. We accordingly felt that there was a propriety in giving a distinct declaration of opinion on that point, and that in framing the constitution its first sentence should declare that "The executive authority or government shall be vested in the sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British constitution, by the sovereign personally, or by the representative of the sovereign duly authorized."

That resolution met with the unanimous assent of the conference. The desire to remain connected with Great Britain and to retain our allegiance to her Majesty was unanimous. Not a single suggestion was made that it could by any possibility be for the interest of the colonies, or of any section or portion of them, that there should be a severance of our connection. Although we knew it to be possible that Canada, from her position, might be exposed to all the horrors of war by reason of causes of hostility arising between Great Britain and the United States—causes over which we had no control and which we had no hand in bringing about—yet there was a unanimous feeling of willingness to run all the hazards of war, if war must come, rather than lose the connection between the mother country and these colonies.

We provide that "the executive authority shall be administered by the sovereign personally, or by the representative of the sovereign duly authorized." It is too much to expect that the queen should vouchsafe us her personal governance or presence except to pay us—as the heir-apparent to the throne, our future sovereign, has already paid us—the graceful compliment of a visit. The executive authority must therefore be administered by her Majesty's representative. We place no restriction on her Majesty's prerogative in the selection of her representative. As it is now, so it will be if this constitution is adopted. The sovereign has unrestricted freedom of choice. Whether in making her selection, she may send us one of her own family, a royal prince, as a viceroy to rule over us, or one of the great statesmen of England to represent her, we know not. We leave that to her Majesty in all confidence. But we may be permitted to hope that when the union takes place, and we become the great country which British North America is certain to be, it will be an object worthy the ambition of the statesmen of England to be charged with presiding over our destinies.

WILLIAM McKINLEY

ADDRESS AT BUFFALO

[William McKinley was born in 1844, at Niles, Trumbull County, Ohio. He was educated at Poland Academy, and at the age of seventeen enlisted in the twenty-third Ohio Regiment and went to the front. He was a comrade in this regiment of Rutherford B. Hayes, and soon received the commission of a commissary sergeant, from which he advanced to second and then first lieutenant, and eventually became captain. He engaged in the battles of South Mountain, Antietam, Fisher's Hill, and Cedar Creek, and received an honorable discharge July 25, 1865. After the close of the war he took up the study of law and was admitted to the bar in 1867. His political career began in 1867, when he was elected to Congress. He was elected governor of Ohio, in 1891, and for a second term in 1893. In 1892 he was chairman of the National Republican Convention, and received one hundred and eighty-two votes for President, but refused to allow his name to be used, adhering to his loyalty to Benjamin Harrison. He was elected President in 1896, and reelected for a second term in 1900. His first term was memorable for the war with Spain over the freeing of Cuba from Spanish domination, and the participation with European nations in military operations on Chinese territory brought about by the slaying of missionaries during a Boxer uprising. He had completed but six months of his second term when he was fatally shot by an assassin, during a visit to the Pan-American Exposition of 1901, at Buffalo, N.Y. The following address possesses unusual interest, being his last speech, delivered September 5, the day of his assassination.]

I AM glad to be again in the city of Buffalo and exchange greetings with her people, to whose generous hospitality I am not a stranger, and with whose good-will I have been repeatedly and signally honored. To-day I have additional satisfaction in meeting and giving welcome to the foreign representatives assembled here, whose presence and participation in this exposition have contributed in so marked a degree to its interest and success. To the commissioners of the Dominion of Canada and the British colonies, the French Colonies, the republics of Mexico and of Central and South America, and the commissioners of Cuba and Porto Rico, who share with us in this undertaking, we give the hand of fellowship and felicitate with them upon the triumphs of art, science, education, and manufacture which the old has bequeathed to the new century.

Expositions are the timekeepers of progress. They record the world's advancement. They stimulate the energy, enterprise, and intellect of the people, and quicken human genius. They go into the home. They broaden and brighten the daily life of the people. They open mighty storehouses of information to the student. Every exposition, great or small, has helped to some onward step. Comparison of ideas is always educational, and as such instructs the brain and hand of man. Friendly rivalry follows, which is the spur to industrial improvement, the inspiration to useful invention and to high endeavor in all departments of human activity. It exacts a study of the wants, comforts, and even the whims of the people, and recognizes the efficacy of high quality and new prices to win their favor. The quest for trade is an incentive to men of business to devise, invent, improve, and economize in the cost of production. Business life, whether among ourselves or with other people, is ever a sharp struggle for success. It will be none the less so in the future. Without competition we would be clinging to the clumsy and antiquated processes of farming and manufacture and the methods of business of long ago, and the twentieth would be no further advanced than the eighteenth century. But though commercial competitors we are, commercial enemies we must not be.

The Pan-American Exposition has done its work thoroughly, presenting in its exhibits evidences of the highest skill, and illustrating the progress of the human family in the western hemisphere. This portion of the earth has no cause for humiliation for the part it has performed in the march of civilization. It has not accomplished everything; far from it. It has simply done its best; and without vanity or boastfulness, and recognizing the manifold achievements of others, it invites the friendly rivalry of all the powers in the peaceful pursuits of trade and commerce, and will cooperate with all in advancing the highest and best interests of humanity. The wisdom and energy of all the nations are none too great for the world's work. The success of art, science, industry, and invention is an international asset and a common glory.

After all, how near, one to the other, is every part of the world! Modern inventions have brought into close relation widely separated peoples and made them better acquainted. Geographic and political divisions will continue to exist, but distances have been effaced. Swift ships and fast trains are becoming cosmopolitan. They invade fields which a few years ago were impenetrable. The world's products are exchanged as never before, and with increasing transportation facilities come increasing knowledge and larger trade. Prices are fixed with mathematical precision by supply and demand. The world's selling prices are regulated by market and crop reports. We travel greater distances in a shorter space of time and with more ease than was ever dreamed of by the fathers. Isolation is no longer possible or desirable. The same important news is read, though in different languages, the same day in all Christendom. The telegraph keeps us advised of what is occurring everywhere, and the press foreshadows, with more or less accuracy, the plans and purposes of the nations. Market prices of products and of securities are hourly known in every commercial mart, and the investments of the people extend beyond their own national boundaries into the remotest parts of the earth. Vast transactions are conducted, and international exchanges are made, by the tick of the cable. Every event of interest is immediately bulletined. The quick gathering and transmission of news, like rapid transit, are of recent origin, and are only made possible by the genius of the inventor and the courage of the investor. It took a special messenger of the government, with every facility known at the time for rapid travel, nineteen days to go from the city of Washington to New Orleans with a message to General Jackson that the war with England had ceased, and a treaty of peace had been signed. How different now!

We reached General Miles in Porto Rico by cable, and he was able, through the military telegraph, to stop his army on the firing line with the message that the United States and Spain had signed a protocol suspending hostilities. We knew almost instantly of the first shots fired at Santiago, and the subsequent surrender of the Spanish forces was known at Washington within less than an hour of its consummation. The first ship of Cervera's fleet had hardly emerged from that historic harbor when the fact was flashed to our capital, and the swift destruction that followed was announced immediately through the wonderful medium of telegraphy. So accustomed are we to safe and easy communication with distant lands that its temporary interruption, even in ordinary times, results in loss and inconvenience. We shall never forget the days of anxious waiting and awful suspense when no information was permitted to be sent from Pekin, and the diplomatic representatives of the nations in China, cut off from all communication, inside and outside of the walled capital, were surrounded by an angry and misguided mob that threatened their lives; nor the joy that thrilled the world when a single message from the government of the United States brought, through our minister, the first news of the safety of the besieged diplomats.

At the beginning of the nineteenth century there was not a mile of steam railroad on the globe; now there are enough miles to make its circuit many times. Then there was not a line of electric telegraph; now we have a vast mileage traversing all lands and all seas. God and man have linked the nations together. No nation can longer be indifferent to any other. And as we are brought more and more in touch with each other, the less occasion is there for misunderstandings, and the stronger the disposition, when we have differences, to adjust them in the court of arbitration, which is the noblest forum for the settlement of international disputes.

My fellow-citizens: Trade statistics indicate that this country is in a state of unexampled prosperity. The figures are almost appalling. They show that we are utilizing our fields and forests and mines, and that we are furnishing profitable employment to the millions of workingmen throughout the United States, bringing comfort and happiness to their homes, and making it possible to lay by savings for old age and disability. That all the people are participating in this great prosperity is seen in every American community, and shown by the enormous and unprecedented deposits in our savings-banks. Our duty is the care and security of these deposits, and their safe investment demands the highest integrity and the best business capacity of those in charge of these depositories of the people's earnings.

We have a vast and intricate business, built up through years of toil and struggle, in which every part of the country has its stake, which will not permit of either neglect or of undue selfishness. No narrow, sordid policy will subserve it. The greatest skill and wisdom on the part of manufacturers and producers will be required to hold and increase it. Our industrial enterprises, which have grown to such great proportions, affect the homes and occupations of the people and the welfare of the country. Our capacity to produce has developed so enormously, and our products have so multiplied, that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.

By sensible trade arrangements which will not interrupt our home production, we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good-will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad? Then, too, we have inadequate steamship service. New lines of steamers have already been put in commission between the Pacific coast ports of the United States and those on the western coasts of Mexico and Central and South America. These should be followed up with direct steamship lines between the eastern coasts of the United States and South American ports. One of the needs of the times is direct commercial lines from our vast fields of production to the fields of consumption that we have but barely touched.

Next in advantage to having the thing to sell is to have the convenience to carry it to the buyer. We must encourage our merchant marine. We must have more ships. They must be under the American flag, built and manned and owned by Americans. These will not only be profitable in a commercial sense—they will be messengers of peace and amity wherever they go. We must build the Isthmian Canal which will unite the two oceans and give a straight line of water communication with the western coasts of Central and South America and Mexico. The construction of a Pacific cable cannot be longer postponed.

In the furtherance of these objects of national interest and concern you are performing an important part. This exposition would have touched the heart of that American statesman whose mind was ever alert and thought ever constant for a larger commerce and a truer fraternity of the republics of the New World. His broad American spirit is felt and manifested here. He needs no identification to an assemblage of Americans anywhere, for the name of Blaine is inseparably associated with the Pan-American movement which finds its practical and substantial expression, and which we all hope will be firmly advanced, by the Pan-American Congress that assembles this autumn in the capital of Mexico. The good work will go on. It cannot be stopped. These buildings will disappear, this creation of art and beauty and industry will perish from sight, but their influence will remain to

> " Make it live beyond its too short living,
> With praises and thanksgiving."

Who can tell the new thoughts that have been awakened, the ambitions fired, and the high achievements that will be wrought through this exposition? Gentlemen, let us ever remember that our interest is in concord, not conflict; and that our real eminence rests in the victories of peace, not those of war. We hope that all who are represented here may be moved to higher and nobler effort for their own and the world's good, and that out of this city may come, not only greater commerce and trade for us all, but, more essential than these, relations of mutual respect, confidence, and friendship which will deepen and endure.

Our earnest prayer is that God will graciously vouchsafe prosperity, happiness, and peace to all our neighbors, and like blessings to all the peoples and powers of earth.

JAMES MADISON

THE BRITISH TREATY

[James Madison, fourth President of the United States, was born at Port Conway, Va., in 1751. He entered Princeton in 1769. Here he worked industriously and completed the course in two years. He entered public life in May, 1776, as a member of the Virginia Convention, and in October of the same year he became a member of the first independent Legislative Assembly, coming there in contact with Jefferson. In 1780 he went to Congress, where he remained three years, serving on many important committees. In 1798, after he had returned to Congress and become a leader of his party, he wrote the Kentucky resolutions, containing the basis of the states'-rights doctrines. He early saw the futility of the Articles of Confederation as an effective bond of union; and his influence was paramount in the convention that framed the new Constitution. He was associated with Hamilton and Jay in the composition of the papers called "The Federalist," written in support of the new instrument. He served a long term in the House of Representatives, where his opinion underwent a change toward sympathy with the Democratic party, and in 1801 he became secretary of state for President Jefferson. He was the choice of Jefferson and succeeded him as President in 1809. Madison placed an embargo upon all foreign commerce in retaliation for the English decrees against American commerce, and the persistence of England, aggravated by her acts of impressment of American seamen, led finally to an open declaration of war, in 1812. This war took place during Madison's second term. He died January 28, 1836. The following speech was delivered in Congress, in 1796.]

MR. CHAIRMAN: The subject now under the consideration of the committee is of such vast extent, of such vital importance to this country, and involves so many topics which demand minute investigation, that I wish, at setting out, to be understood as not pretending to go through all the observations that may be applicable to its circumstances, but as endeavoring to present it in a mere general view, persuaded that the omissions I shall make will be amply supplied by other gentlemen who are to follow me in the discussion.

The proposition, sir, immediately before the committee amounts to this: that the treaty lately made with Great Britain ought to be directly carried into effect, by all such means and provisions as are peculiarly within the province and the competency of the House of Representatives to supply. This, sir, is the substance of the point immediately in question; but it will, in examining it, be proper to keep constantly in view another proposition which was made yesterday, by the gentleman from Pennsylvania, and referred to the committee, and which will be taken up, of course, if the immediate question shall be decided in the negative.

Sir, if the proposition for carrying the treaty into effect be agreed to by the House, it must necessarily be upon some one or other of the three following considerations: That the legislature is bound by a constitutional necessity to pass the requisite laws, without examining the treaty or considering its merits; or that, on due examination, the treaty is deemed to be in itself a good one; or that, apart from these considerations, there shall appear extraneous reasons of sufficient weight to induce the House to carry the treaty into effect, even though it be in itself a bad treaty. The first of these considerations, however, is now completely excluded by the late decision of the House, that they have a right to judge of the expediency or inexpediency of passing laws relative to treaties; the question then first to be examined by the committee is that which relates to the merits of the present treaty. I will now, therefore, proceed to discuss those merits, and to present them to the committee under three different aspects. The first, as it relates to the execution of the treaty of peace, made in the year 1783. The second, as it bears upon and determines the several points in the law of nations connected with it. And the third, as it infringes upon and may be supposed to affect the commercial intercourse of the two nations.

Sir, in animadverting upon the first of these, I will not take upon me the invidious office of inquiring which party it is to whom the censure may justly be ascribed of having more than the other contributed to the delay of its execution, though I am far from entertaining any desire to shrink from the task, under an apprehension that the result might be disadvantageous to this country. The present treaty has itself, in express terms, waived this inquiry, and professes that its purpose is to adjust all controversies on the subjects of which it is conversant, without regard to the mutual complaints or pretensions of the parties. Naturally, therefore, and most justly was it to be expected that the arrangements for carrying that treaty into effect would have been founded on the most exact, scrupulous, and equitable reciprocity. But has this been the case, sir? I venture to say that it has not, and it grieves me to add, what nevertheless truth and justice compel me to declare, that, on the contrary, the arrangements were founded on the grossest violation of this principle. This, sir, is undoubtedly strong language, and as such I should be one of the last men living to give it utterance, if I were not supported in it by facts no less strong and unequivocal. There are two articles in the old treaty, for the execution of which no provision whatsoever is made in the new one. The first is that which relates to the restitution of, or compensation for, the negroes and other property carried away by the British. The second, that which provides for the surrender to the United States of the posts, so long withheld by them, on our territory. The article that remains unexecuted on the part of the United States is that which stipulates for the payment of all bona fide debts owing to British creditors; and the present treaty guarantees the carrying of this article into the most complete effect by the United States, together with all damages sustained by the delay, even to the most rigid extent of exaction, while it contains no stipulation whatever, on the part of Great Britain, for the faithful performance of the articles left unexecuted by her. Look to the treaty, sir, and you will find nothing like it, nothing allusive to it. No, on the contrary, she is entirely and formally absolved from her obligation to fulfill that article which relates to the negroes, and is discharged from making any compensation whatsoever for her having delayed to fulfill that which provides for the surrender of the posts.

I am aware, sir, of its being urged in apology, or by way of extenuation for these very unequal stipulations, that the injury which may possibly be sustained by us, in consequence of the detention of the posts by the British government, is not susceptible of an accurate valuation; that between such an injury and money there is no common measure, and that therefore the wrong is incapable of liquidation, and affords no fair basis for a calculation of pecuniary damages. This apology, sir, may appear plausible, but it is by no means satisfactory. Commissioners might easily have been appointed (as they are, vested, too, with full discretion for other purposes) to take charge of this subject, with instructions to do what they could, if unable to do what they ought, and if incapable of effecting positive justice, at least to mitigate the injustice of doing nothing.

For the very extraordinary abandonment of the compensation due for the negroes and other property carried off by the British, apologies have also been lamely attempted; and these apologies demand consideration. It is said to be at least doubtful whether this claim is authorized by the seventh article of the treaty of peace, and that Great Britain has uniformly denied the meaning put by the United States on that article. In reply to these assertions it is sufficient for me to remark, that so far from its being true that Great Britain has uniformly denied the American construction of this article, it is susceptible of positive proof that till very lately Great Britain has uniformly admitted our construction of it, and that she has rejected the claim on no other ground than the alleged violation of the fourth article on the part of the United States. But on the supposition that it had been true, that Great Britain had uniformly asserted a different construction of the article, and refused to accede to ours, I beg leave to ask the House what ought to have been done? Ought we to have acceded at once to her construction? You will anticipate me, sir, in saying, assuredly not. Each party had an equal right to interpret the compact; and if they could not agree they ought to have done in this what they did in other cases where they could not agree; that is, have referred the settlement of the meaning of the compact to arbitration; but for us to give up the claim altogether because the other party to the compact thought proper to disallow our construction of it, was in effect to admit nothing less than that Great Britain had a better right than the United States to explain the point in controversy, or that the United States had done something which in justice called for a sacrifice of one of their essential rights.

From this view of the subject, sir, I consider it to be evident that the arrangements in this treaty which relate to the treaty of peace of 1783 are in several instances deficient both in justice and reciprocity. And here a circumstance occurs that in my opinion deserves the very particular attention of the committee. From the face of the treaty generally, and particularly from the order of the articles, it would seem that the compensation for the spoliations on our trade have been combined with the execution of the treaty of peace, and may therefore have been viewed as a substitute for the equivalent stipulated for the negroes. If this be really the meaning of the instrument, it cannot be the less obnoxious to reasonable and fair judges. No man can be more firmly convinced than I myself am of the perfect justice on which the claims of the merchants on Great Britain are founded, nor can any one be more desirous to see them fully indemnified. But surely, sir, it will not be asserted that compensation to them is a just substitute for the compensation due to others. It is impossible that any claims can be better founded than those of the sufferers under the seventh article of the treaty of peace; because they are supported by positive and acknowledged stipulation, as well as by equity and right. Just and undeniable as the claims of the merchants may be, and certainly are, the United States cannot be obliged to take more care of them than of the claims equally just and unquestionable of other citizens; much less to sacrifice the latter to the former. To set this matter in a light that will exhibit it in the clearest and most familiar way possible to the understanding and the bosom of every member in this House, I will invert the case. Let us suppose for a moment, that instead of relinquishing the claims for property wrongfully carried off at the close of the war, and obtaining stipulations in favor of the mercantile claims, the mercantile claims had been relinquished, and the other claims provided for—I ask, would not the complaints of the merchants have been as universal and as loud as they would have been just?

Sir, besides the omissions in favor of Great Britain, which I have already pointed out, as particularly connected with the execution of the treaty of peace, the committee will perceive that there are conditions annexed to the partial execution of it in the surrender of the western posts, which increase the general inequality of this part of the treaty, and essentially affect the value of those objects. I beseech the committee to examine the point with the attention a subject of so very important a character demands.

The value of the posts to the United States is to be estimated by the influence of those posts: first, on the trade with the Indians, and secondly, on the temper and conduct of the Indians to the United States.

Their influence on the Indian trade depends principally on the exclusive command they give to the several carrying places connected with the posts. These places are understood to be of such importance in this respect, that those who possess them exclusively will have a monopoly of that lucrative intercourse with a great part of the savage nations. Great Britain, having exclusively possessed those places, has possessed all those advantages without a rival; and it was reasonably enough expected, that with the exclusive possession of the posts, the exclusive benefits of that trade and intercourse would be transferred also; but by the treaty now under consideration, the carrying places are to be enjoyed in common, and it will be determined by the respective advantages under which British and American traders will engage in the trade, which of them is to have the larger share in it. In this point of view, even if in no other, I view this regulation in the treaty as highly impolitic and injurious to the interests of this country. I need not dwell upon the signal advantages the British will have in their superior capital, which we shall have to encounter in all our commercial rivalships; but there is another consideration which ought to have, and no doubt will have, great weight with the committee on this subject. The goods imported for the Indian trade through Canada pay no duties, whilst those imported through the United States for that trade will have paid duties from seven to ten per centum. At the same time, every man must see that a drawback is impracticable, or would be attended with an expense which the business would not bear. Whatever the value or the importance, therefore, which the posts may be supposed to derive from those considerations, they are in a great measure stripped of them by the condition annexed by this treaty to the surrender of the posts. Instead of securing, as it ought to have done, a monopoly in our favor, the carrying places are made common to both countries under circumstances which will, in all probability, throw a monopoly into the hands of Great Britain. Nor is this a transient or a temporary evil, for that article of the treaty is to last forever. As to the influence of the posts on the conduct of the Indians, it is well known to depend chiefly upon their influence on the Indian trade. In proportion, therefore, as the condition annexed to the surrender of the posts affects the one, it must affect the other. So long and in such degree as the British continue to enjoy the Indian trade, they will continue to influence the Indian conduct; and though that should not be in the same degree as heretofore, it will be at least in a degree sufficiently great to pass sentence of condemnation on the article in question.

Another very extraordinary feature in this part of the treaty, sir, is the permission that it grants to aliens to hold lands in perpetuity. I will not inquire how far this may be authorized by constitutional principles, but I will always maintain that there cannot be found, in any treaty that ever was made, either where territory was ceded, or where it was acknowledged by one nation to another, one other such stipulation. Although I admit that in such cases it has been common, and may be right, to make regulations for the conservation of the property of the inhabitants, yet I believe it will appear that in every case of the kind that has occurred the owners of landed property, when they were so favored, were either called upon to swear allegiance to the new sovereign, or compelled to dispose of their landed property within a reasonable time.

Sir, the stipulation by which all the ports of the United States are to open to Great Britain, as a valuable consideration for or condition upon which those of one of her unimportant provinces are to be opened to us in return, is marked with such signal inequality that it ought not only to be rejected but marked with censure. Nor is the clause respecting the Mississippi less censurable. To me, indeed, it appears singularly reprehensible. Happy is it for the United States that the adjustment of our claims with Spain has been brought about before any evil operation of the clause has been experienced. But of the tendency of the thing, I am persuaded, there can be no doubt. It is the more remarkable that this extension of the privileges of Great Britain on the Mississippi, beyond those contained in the treaty of peace, should have been admitted into the new treaty, because, by the latter itself, the supposition is suggested that Great Britain may be deprived, by her real boundary, of all pretensions to a share in the waters and the banks of the Mississippi.

And now, sir, to turn to the second aspect, in which I have undertaken to examine the question; namely, as it determines the several points in the law of nations connected with it. And here, I must say, that the same want of real reciprocity, and the same sacrifice of the interests of the United States, are conspicuous. Sir, it is well known that the principle that "FREE SHIPS MAKE FREE GOODS" has ever been a great and favorite object with the United States; they have established this principle in all their treaties; they have witnessed with anxiety the general effort and the successful advances towards incorporating this principle in the law of nations—a principle friendly to all neutral nations, and particularly interesting to the United States. I know, sir, that it has before now been conceded, on the part of the United States, that the law of nations stands as the present treaty regulates it; but it does not follow that more than acquiescence in this doctrine is proper. There is an evident and a material distinction between silently acquiescing in it, and giving it the additional force and support of a formal and positive stipulation. The former is all that could have been required, and the latter is more than ought to have been unnecessarily yielded. The treaty is liable to similar objections in respect to the enumeration it contains of contraband articles, in which, sir, I am sorry to be obliged to remark that the circumstances and interests of the United

States have been made to give way to the particular views of the other party, while the examples held out in our other treaties have been disregarded. Hemp, tar, pitch, turpentine, etc., important staples of this country, have, without even a pretext of reciprocity, been subjected to confiscation. No nation which produces these articles has, I believe, any treaties at present, making the same sacrifice, with the exception of Denmark, who, in the year 1780, by what means I know not, was induced to agree to an explanation of the treaty of 1670, by which these articles are declared to be contraband. Now, sir, it appears to me that this same supplementary and explanatory agreement between Great Britain and Denmark has been the model selected for the contraband list of the treaty at present in question; the enumeration in the latter being transcribed, word for word, from the former, with a single exception, which, not only is in itself, but renders the whole transaction, extremely remarkable. The article " Horses," which stands as one part of the original, is entirely omitted in the copy; and what renders the omission more worthy of scrutiny is, that though the treaty, in general, seems to have availed itself, wherever it readily could, of the authority of Vattel, the omission of horses is no less a departure from him than from the original, from which that part of the treaty was copied. Indeed, the whole of this particular transaction, seems fraught with singularity and just liability to suspicion; for, strange as it may appear, it is certainly true that the copy proceeded exactly from the original, till it got as far as the purposes of Great Britain required, and at that point stopped short. I entreat the committee to pay attention to this fact. After enumerating the articles that are to be deemed contraband, the Danish article goes on in the words following, viz.: " But it is expressly declared that among contraband merchandises shall not be comprehended fish and meats, whether fresh or salted; wheat, flour, corn, or other grain; beans, oil, wines, and generally whatever serves for the nourishment and support of life; all of which may at all times be sold and transported, like any other merchandises, even to places held by an enemy of the two crowns, provided they be not besieged or blockaded."

This view of the subject naturally leads me to make some observations on that clause of the treaty which relates to provisions, and which, to say the least of it, wears a very ambiguous and disagreeable countenance; or, to speak more precisely, seems to carry with it a necessary implication that provisions, though not bound to besieged or blockaded places, may according to the law of nations, as it now exists, be regarded and treated as contraband. According to the genuine law of nations, no articles which are not expressly and generally contraband are so, in any particular instance, except in the single case of their going to a place besieged; yet it is recognized by this treaty that there are other cases in which provisions may be deemed contraband, from which recognition implication fairly results, that one of those cases may be that which has been assumed and put in force by Great Britain in relation to the United States. Such trivial cases as might be devised by way of appurtenances to the law, that condemns what is bound to blockaded places, can by no means satisfy the import of the stipulation; because such cases cannot be presumed to have been in contemplation of the parties. And if the particular case of provisions bound to a country at war, although not to a besieged place, was not meant to be one of the cases of contraband according to the existing law of nations, how necessary was it to have said so; and how easy and natural would that course have been, with the Danish example on the subject before their eyes.

On the supposition that provisions in our own vessels, bound to countries at war with Great Britain, can be now seized by her for her own use on the condition stipulated, this feature of the treaty, sir, presents itself in a very serious light indeed; especially if the doctrine be resorted to that has been laid down by the Executive in the letter of Mr. Jefferson, then secretary of state, to Mr. Pinckney, on the seventh of September, 1793. This letter is a comment on the British instructions of June the 8th, 1793, for seizing neutral provisions. After stating the measure as a flagrant breach of the law of nations, and as ruinous to our commerce and agriculture, it has the following paragraph: "This act, too, tends to draw us from that state of peace in which we are willing to remain. It is an essential character of neutrality to furnish no aids not stipulated by treaty"—that is, sir, by a treaty made prior to the war—"to one party which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to be sent to France. To restrain it would be a partiality that must lead to war; and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, there is no difference. She would consider it as a mere pretext, of which she certainly would not agree to be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged by this unauthorized act of Great Britain into a war with which we meddle not, and which we wish to avoid, if justice to all parties and from all parties will enable us to avoid it." Sir, I entreat the committee to give this very interesting executive document all the attention which it demands, and which they have in their power to bestow.

I am now, sir, come to that article of the treaty by which the sequestration of British property is prohibited; upon which I must say, that though I should, in all probability, be one of the last men existing to have recourse to such an expedient for redress, I cannot approve of a perpetual and irrevocable abandonment of a defensive weapon, the existence of which may render the use of it unnecessary. Sir, there is an extraordinary peculiarity in the situation of this country as it stands in its relations to Great Britain. As we have no fleets or armies to command a respect for our rights, we ought to keep in our own hands all such means as our situation gives us. This article, sir, is another instance of the very little regard that has been paid to reciprocity. It is well known that British subjects now have and are likely always to have in this country a vast quantity of property of the kind made sacred. American citizens, it is known, have little and are likely to have little of the kind in Great Britain. If a real reciprocity was intended, why not other kinds of private property, such as vessels and their cargoes, equally protected against violation? These, even within the jurisdiction of Great Britain, are left open to seizure and sequestration, if Great Britain shall find it expedient; and why is not property on the high seas, under the protection of the law of nations, which is said to be a part of the law of the land, made secure by a like stipulation? This would have given a face of equality and reciprocity to the bargain. But nothing of the sort makes a part of it. Where Great Britain has a particular interest at stake, the treaty watchfully provides for it; when the United States have an equal interest at stake, and equally entitled to protection, it is abandoned to all the dangers which it has experienced.

Having taken this brief review of the positive evils in this part of the treaty, I might add the various omissions which are chargeable upon it; but as I shall not pretend to exhaust the subject, I will mention only one, and that is, the utterly neglecting to provide for the exhibition of sea papers; and I cannot help regarding this omission as truly extraordinary, when I observe that in almost every modern treaty, and particularly in all our other treaties, an article on this subject has been regularly inserted. Indeed, it has become almost an article of course in the treaties of the present century.

I shall now, sir, consider the aspect in which the commercial articles of this treaty present themselves for consideration. In the free intercourse stipulated between the United States and Great Britain it cannot be pretended that any advantage is gained by the former. A treaty is surely not necessary to induce Great Britain to receive our raw materials and to sell us her manufactures. Let us, on the other hand, consider what is given up by the United States.

It is well known that when our government came into operation, the tonnage of America, employed on the British trade, bore a very inconsiderable proportion to the British tonnage. There being nothing on our side to counteract the influence of capital and other circumstances in the British side, that disproportion was the natural state of things. As some small balance to the British advantages, and particularly that of her capital, our laws have made several regulations in favor of our shipping, among which is the important encouragement resulting from the difference of ten per centum in the duties paid by American and foreign vessels. Under this encouragement, the American tonnage has increased in a very respectable degree of proportion to the British tonnage. Great Britain has never deemed it prudent to frustrate or diminish the effects of this, by attempting any countervailing measures for her shipping, being aware, no doubt, that we could easily preserve the difference by further measures on our side; but by this treaty she has reserved to herself the right to take such countervailing measures against our existing regulations, and we have surrendered our right to pursue further defensive measures against the influence of her capital. It is justly to be apprehended, therefore, that under such a restoration of things to their former state the American tonnage will relapse into its former disproportion to the British tonnage.

Sir, when I turn my attention to that branch of the subject which relates to the West Indies, I see still greater cause for astonishment and dissatisfaction. As the treaty now stands, Great Britain is left as free as she ever has been to continue to herself and her shipping the entire monopoly of the intercourse. Recollecting as I do, and as every member of the committee must do, the whole history of this subject, from the peace of 1783 through every subsequent stage of our independence, down to the mission of the late envoy, I find it impossible adequately to express my astonishment that any treaty of commerce should ever have been acceded to that so entirely abandoned the very object for which alone such a treaty could have been contemplated; I never could have believed that the time was so near when all the principles, claims, and calculations which have heretofore prevailed among all classes of people, in every part of the Union, on this interesting point were to be so completely renounced. A treaty of commerce with Great Britain, excluding a reciprocity for our vessels in the West India trade, is a phenomenon which fills me with great surprise.

I may be told, perhaps, that, in the first place, Great Britain grants to no other nation the privilege granted to the United States of trading at all with her West Indies, and that, in the second place, this is an important relaxation of the colonial system established among the nations of Europe. To the first of these observations I reply, that no other nation bears the same relation to the West Indies as the United States; that the supplies of the United States are essential to those islands; and that the trade with them has been permitted purely on that account, and not as a beneficial privilege to the United States.

To the second I reply, that it is not true that the colony system requires an exclusion of foreign vessels from the carrying trade between the colonies and foreign countries. On the contrary, the principle and practice of the colony system are to prohibit, as much as may be convenient, all trade between the colonies and foreign countries; but when such a trade is permitted at all, as necessary for the colonies, then to allow the vessels of such foreign countries a reciprocal right of being employed in the trade. Great Britain has accordingly restrained the trade of her islands with this country, as far as her interest in them will permit. But has she allowed our vessels the reciprocal right to carry on the trade so far as it is not restrained? No such thing. Here she enforces a monopoly in her own favor, contrary to justice, and contrary to the colonial system of every European nation that possesses any colonies, none of whom, without a single exception, ever open a trade between their colonies and other countries without opening it equally to vessels on both sides. This is evidently nothing more than strict justice. A colony is a part of an empire. If a nation choose, she may prohibit all trade between a colony and a foreign country, as she may between any other part of her dominions and a foreign country; but if she permit such a trade at all, it must be free to vessels on both sides, as well in the case of colonies as of any other part of her dominions. Great Britain has the same right to prohibit foreign trade between London and the United States as between Jamaica and the United States; but if no such prohibition be made with respect to either, she is equally bound to allow foreign vessels a common right with her own in both. If Great Britain were to say that no trade whatever should be carried on between London and the United States, she would exercise a right of which we could not reasonably complain. If she were to say that no American vessels should be employed in the trade, it would produce just complaints, and justify a reciprocal regulation as to her vessels. The case of the trade from a port in the West Indies is precisely similar.

In order that the omission of the treaty to provide a reciprocity for our vessels in the West India trade may be placed in its true light, it will be proper to attend to another part of the treaty, which ties up the hands of this country against every effort for making it the interest of Great Britain to yield to our reasonable claims. For this end I beg leave to point out to the committee the clause which restrains the United States from imposing prohibitions or duties on Great Britain, in any case, which shall not extend to all other nations, and to observe that the clause makes it impossible to operate on the unreasonable policy of that nation, without suspending our commerce at the same time with all other nations, whose regulations, with respect to us, may be ever so favorable and satisfactory.

The fifteenth article, Mr. Chairman, has another extraordinary feature, which I should imagine must strike every observer. In other treaties, which profess to put the parties on the footing of the most favored nation, it is stipulated that where new favors are granted to a particular nation in return for favors received, the party claiming the new favor shall pay the price of it. This is just and proper where the footing of the most favored nation is established at all. But this article gives to Great Britain the full benefit of all privileges that may be granted to any other nation, without requiring from her the same or equivalent privileges with those granted by such nation. Hence it will happen that if Spain, Portugal, or France shall open their colonial ports to the United States, in consideration of certain privileges in our trade, the same privileges will result gratis and ipso facto to Great Britain. The stipulation, sir, I consider as peculiarly impolitic, and such a one as cannot fail to form, in the view of the committee, a very solid and weighty objection to the treaty.

I dare say, sir, that by the advocates of the treaty great stress will be laid on the article relating to the East Indies. To those who are better acquainted with the subject than I can pretend to be, I shall resign the task of examining and explaining that part of the subject. With two observations, however, I must trouble the committee before I drop the subject of this article; one is, that some gentlemen, as judicious and well informed as any who can be consulted, declare that they consider this article as affording not a shadow of advantage to the United States. The other is, that no privilege is stipulated in it which has not heretofore been uniformly granted without stipulation; and as the grant can have proceeded from no motive but a pure regard to the British interest in that country, there was every reasonable security that the trade would continue open as it had been under the same consideration.

Such, Mr. Chairman, being the character of this treaty, with respect to the execution of the treaty of peace, the great principles of the law of nations, and the regulations of commerce, it never can be viewed as having any claim to be carried into effect on its own account. Is there, then, any consideration, extraneous to the treaty, that can furnish the requisite motives? On this part of the subject the House is wholly without information. The continuance of the spoliations on our trade, and the impressment of our seamen, whether to be understood as practical comments on the treaty or as infractions of it, cannot but enforce on the minds of the committee the most serious reflections. And here, sir, I beg leave to refer once more to the passage I have already read, extracted from the letter of Mr. Jefferson to Mr. Pinckney, and to ask if, as there stated by the Executive, our neutrality and peace are to be exposed, by permitting practices of that kind, what must be thought of our giving effect, in the midst of such practices, to a treaty from which a countenance may be derived by that nation for going on further with them?

I am aware that the Executive, notwithstanding the doctrine and policy laid down as above, has finally concurred in the treaty under all these circumstances. But I do not consider that as invalidating the reasoning drawn from the present state of things. I may be treading on delicate ground, but I cannot think it improper to remark, because it is a known fact, that the Executive paused for some weeks after the concurrence of the Senate before he ratified the treaty with his signature; and I think it may fairly be presumed that the true grounds of that pause were the renewal of spoliations, and a recollection of the light in which they had been represented; that, on that supposition, he was probably influenced in signing the treaty when he did, by an expectation that such a mark of confidence in the British government would produce an abolition of the unlawful proceedings, and consequently, if it were foreseen that the spoliations would have been continued, as we find them to be, the treaty would not have been then signed, or if it had not been then signed, it would not be signed under the circumstances of the moment when it falls under our consideration.

I shall conclude, Mr. Chairman, with taking notice of two considerations, which have been made great use of by way of inducing Congress to carry the treaty into effect. In the first place, it has been said that the greater part of the treaty is to continue in force for no longer time than two years after the termination of the present war in Europe; and that no very great evils can grow out of it in that short period. To this I reply, that ten of the articles, containing very objectionable stipulations, are perpetual; and that, in the next place, it will be in the power of Great Britain, at the expiration of the other articles, to produce the same causes for the renewal of them as are now urged in their support. If we are now to enforce the treaty, lest Great Britain should stir up the Indians and refuse to pay our merchants for the property of which she has plundered them, can she not, at the end of two or three years, plunder them again to the same or a greater amount? Cannot the same apprehensions be revived with respect to the Indians, and will not the arguments then be as strong as they are now for renewing the same treaty, or for making any other equal sacrifices that her purposes may dictate?

It has been asked, What will be the consequences of refusing to carry the treaty into effect? I answer, that the only supposable consequence is that the Executive, if governed by the prudence and patriotism which I do not doubt will govern that department, will of course pursue the measures most likely to obtain a reconsideration and remodification of the offensive parts of the treaty. The idea of war as a consequence of refusing to give effect to the treaty is too visionary and incredible to be admitted into the question. No man will say that the United States, if they be really an independent people, have not a right to judge of their own interests, and to decline any treaty that does not duly provide for them. A refusal, therefore, in such cases, can afford no cause, nor pretext, nor provocation for war, or for any just resentment. But, apart from this, is it conceivable that Great Britain, with all the dangers and embarrassments that are thickening on her, will wantonly make war on a country which is the best market she has in the world for her manufactures, which pays her an annual balance, in specie, of ten or twelve millions of dollars, and whose supplies, moreover, are essential to an important part of her dominions? Such a degree of infatuation ought not to be ascribed to any country. And, at the present crisis, for reasons well known, an unprovoked war from Great Britain on this country would argue a degree of madness greater than any other circumstances that can well be imagined.

With all the objections, therefore, to the treaty which I have stated, I hope it will not now be carried into effect, and that an opportunity will take place for reconsidering the subject, on principles more just and favorable to the United States.

EARL OF MANSFIELD

ON THE RIGHT OF ENGLAND TO TAX AMERICA

[William Murray, Earl of Mansfield, the British jurist, was born in Perth in 1705. He was educated at Oxford, was called to the bar, acquired a great practice, and, on account of his eloquent pleading, rose to national prominence. He became a member of the House of Commons, but his political opinions were not popular. In 1756 he was made Chief Justice of the King's Bench, and elevated to the House of Lords. He incurred popular odium by his course in the case of John Wilkes, of the "North Briton" newspaper, who was looked upon as a martyr to the cause of freedom of the press. He was assailed through the press by the anonymous writer known as "Junius," and his house was once attacked by a mob. Mansfield came into collision with Chatham in the House of Lords, the two men being deemed by some critics almost equally matched in point of eloquence. Mansfield, whose legal decisions in some British constitutional cases are of far-reaching importance, died in 1793. The following speech was made in the House of Lords, in 1766.]

MY LORDS: I shall speak to the question strictly as a matter of right; for it is a proposition in its nature so perfectly distinct from the expediency of the tax that it must necessarily be taken separate, if there is any true logic in the world; but of the expediency or inexpediency I will say nothing. It will be time enough to speak upon that subject when it comes to be a question.

I shall also speak to the distinctions which have been taken, without any real difference, as to the nature of the tax; and I shall point out, lastly, the necessity there will be of exerting the force of the superior authority of government, if opposed by the subordinate part of it.

I am extremely sorry that the question has ever become necessary to be agitated, and that there should be a decision upon it. No one in this House will live long enough to see an end put to the mischief which will be the result of the doctrine which has been inculcated; but the arrow is shot and the wound already given. I shall certainly avoid personal reflections. No one has had more cast upon him than myself; but I never was biased by any consideration of applause from without in the discharge of my public duty; and in giving my sentiments according to what I thought law, I have relied upon my own consciousness. It is with great pleasure I have heard the noble lord who moved the resolution express himself in so manly and sensible a way, when he recommended a dispassionate debate, while, at the same time, he urged the necessity of the House coming to such a resolution, with great dignity and propriety of argument.

I shall endeavor to clear away from the question all that mass of dissertation and learning displayed in arguments which have been fetched from speculative men who have written upon the subject of government, or from ancient records, as being little to the purpose. I shall insist that these records are no proofs of our present constitution. A noble lord has taken up his argument from the settlement of the constitution at the revolution; I shall take up my argument from the constitution as it now is. The constitution of this country has been always in a moving state, either gaining or losing something, and with respect to the modes of taxation, when we get beyond the reign of Edward the First, or of King John, we are all in doubt and obscurity. The history of those times is full of uncertainties. In regard to the writs upon record, they were issued some of them according to law, and some not according to law; and such (i.e., of the latter kind) were those concerning ship-money, to call assemblies to tax themselves, or to compel benevolences. Other taxes were raised from escuage, fees for knights' service, and by other means arising out of the feudal system. Benevolences are contrary to law; and it is well known how people resisted the demands of the crown in the case of ship-money, and were persecuted by the court; and if any set of men were to meet now to lend the king money, it would be contrary to law, and a breach of the rights of Parliament.

I shall now answer the noble lord particularly upon the cases he has quoted. With respect to the Marches of Wales, who were the borderers, privileged for assisting the king in his war against the Welsh in the mountains, their enjoying this privilege of taxing themselves was but of a short duration, and during the life of Edward the First, till the Prince of Wales came to be the king; and then they were annexed to the crown, and became subject to taxes like the rest of the dominions of England; and from thence came the custom, though unnecessary, of naming Wales and the town of Monmouth in all proclamations and in acts of Parliament. Henry the Eighth was the first who issued writs for it to return two members to Parliament. The crown exercised this right ad libitum, from whence arises the inequality of representation in our constitution at this day. Henry VIII. issued a writ to Calais to send one burgess to Parliament. One of the counties palatine [I think he said Durham] was taxed fifty years to subsidies, before it sent members to Parliament. The clergy were at no time unrepresented in Parliament. When they taxed themselves, it was done with the concurrence and consent of Parliament, who permitted them to tax themselves upon their petition, the convocation sitting at the same time with the Parliament. They had, too, their representatives always sitting in this House, bishops and abbots; and in the other House they were at no time without a right of voting singly for the election of members; so that the argument fetched from the case of the clergy is not an argument of any force, because they were at no time unrepresented here.

The reasoning about the colonies of Great Britain, drawn from the colonies of antiquity, is a mere useless display of learning; for the colonies of the Tyrians in Africa, and of the Greeks in Asia, were totally different from our system. No nation before ourselves formed any regular system of colonization, but the Romans; and their system was a military one, and of garrisons placed in the principal towns of the conquered provinces. The states of Holland were not colonies of Spain; they were states dependent upon the House of Austria in a feudal dependence. Nothing could be more different from our colonies than that flock of men, as they have been called, who came from the north and poured into Europe. Those emigrants renounced all laws, all protection, all connection with their mother countries. They chose their leaders, and marched under their banners to seek their fortunes and establish new kingdoms upon the ruins of the Roman empire.

But our colonies, on the contrary, emigrated under the sanction of the crown and parliament. They were modelled gradually into their present forms, respectively, by charters, grants, and statutes; but they were never separated from the mother country, or so emancipated as to become sui juris. There are several sorts of colonies in British America: the charter colonies, the proprietary governments, and the king's colonies. The first colonies were the charter colonies, such as the Virginia Company; and these companies had among their directors members of the privy council and of both houses of Parliament; they were under the authority of the privy council, and had agents resident here, responsible for their proceedings. So much were they considered as belonging to the crown, and not to the king personally (for there is a great difference, though few people attend to it), that when the two Houses, in the time of Charles the First, were going to pass a bill concerning the colonies, a message was sent to them by the king that they were the king's colonies, and that the bill was unnecessary, for that the privy council would take order about them; and the bill never had the royal assent. The Commonwealth Parliament, as soon as it was settled, were very early jealous of the colonies separating themselves from them; and passed a resolution or act (and it is a question whether it is not in force now) to declare and establish the authority of England over its colonies.

But if there was no express law or reason founded upon any necessary inference from an express law, yet the usage alone would be sufficient to support that authority; for have not the colonies submitted ever since their first establishment to the jurisdiction of the mother country? In all questions of property, the appeals from the colonies have been to the privy council here; and such causes have been determined, not by the law of the colonies, but by the law of England. A very little while ago there was an appeal on a question of limitation in a devise of land with remainders; and notwithstanding the intention of the testator appeared very clear, yet the case was determined contrary to it, and that the land should pass according to the law of England. The colonies have been obliged to recur very frequently to the jurisdiction here, to settle the disputes among their own governments. I well remember several references on this head, when the late Lord Hardwicke was attorney-general, and Sir Clement Wearg solicitor-general. New Hampshire and Connecticut were in blood about their differences; Virginia and Maryland were in arms against each other. This shows the necessity of one superior decisive jurisdiction, to which all subordinate jurisdictions may recur. Nothing, my lords, could be more fatal to the peace of the colonies at any time than the Parliament giving up its authority over them; for in such a case, there must be an entire dissolution of government. Considering how the colonies are composed, it is easy to foresee there would be no end of feuds and factions among the several separate governments, when once there shall be no one government here or there of sufficient force or authority to decide their mutual differences; and, government being dissolved, nothing remains but that the colonies must either change their constitution, and take some new form of government, or fall under some foreign power. At present the several forms of their constitution are very various, having been produced, as all governments have been originally, by accident and circumstances. The forms of government in every colony were adopted, from time to time, according to the size of the colony; and so have been extended again, from time to time, as the numbers of their inhabitants and their commercial connections outgrew the first model. In some colonies at first there was only a governor, assisted by two or three counsel; then more were added; afterward courts of justice were erected; then assemblies were created. Some things were done by instructions from the secretaries of state; other things were done by order of the king and council; and other things by commissions under the great seal. It is observable that in consequence of these establishments from time to time, and of the dependency of these governments upon the supreme legislature at home, the lenity of each government in the colonies has been extreme toward the subject; and a great inducement has been created for people to come and settle in them. But if all those governments which are now independent of each other should become independent of the mother country, I am afraid that the inhabitants of the colonies are very little aware of the consequences. They would feel in that case very soon the hand of power more heavy upon them in their own governments than they have yet done, or have ever imagined.

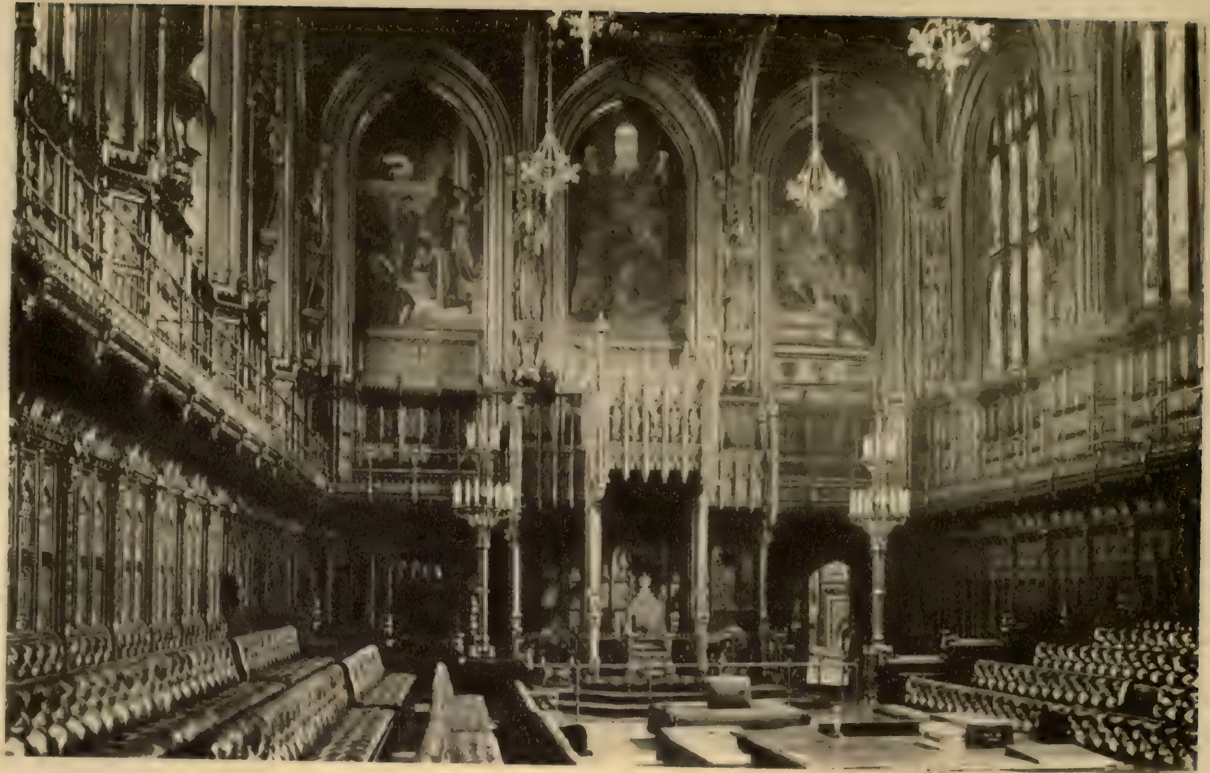
The constitutions of the different colonies are thus made up of different principles. They must remain dependent, from the necessity of things and their relations to the jurisdiction of the mother country; or they must be totally dismembered from it, and form a league of union among themselves against it, which could not be effected without great violences. No one ever thought the contrary till the trumpet of sedition was blown. Acts of Parliament have been made, not only without a doubt of their legality, but with universal applause, the great object of which has been ultimately to fix the trade of the colonies, so as to center in the bosom of that country from whence they took their original. The Navigation Act shut up their intercourse with foreign countries. Their ports have been made subject to customs and regulations which have cramped and diminished their trade. And duties have been laid, affecting the very inmost parts of their commerce, and among others, that of the post; yet all these have been submitted to peaceably, and no one ever thought till now of this doctrine, that the colonies are not to be taxed, regulated, or bound by Parliament. A few particular merchants were then, as now, displeased at restrictions which did not permit them to make the greatest possible advantages of their commerce in their own private and peculiar branches. But, though these few merchants might think themselves losers in articles which they had no right to gain, as being prejudicial to the general and national system, yet I must observe that the colonies, upon the whole, were benefited by these laws. For these restrictive laws, founded upon principles of the most solid policy, flung a great weight of naval force into the hands of the mother country, which was to protect its colonies. Without a union with her, the colonies must have been entirely weak and defenseless, but they thus became relatively great, subordinately, and in proportion as the mother country advanced in superiority over the rest of the maritime powers in Europe, to which both mutually contributed, and of which both have reaped a benefit, equal to the natural and just relation in which they both stand reciprocally, of dependency on one side and protection on the other.

There can be no doubt, my lords, but that the inhabitants of the colonies are as much represented in Parliament as the greatest part of the people of England are represented; among nine millions of whom there are eight which have no votes in electing members of Parliament. Every objection, therefore, to the dependency of the colonies upon Parliament, which arises to it upon the ground of representation, goes to the whole present constitution of Great Britain; and I suppose it is not meant to new-model *that* too. People may form speculative ideas of perfection, and indulge their own fancies or those of other men. Every man in this country has his particular notion of liberty; but perfection never did and never can exist in any human institution. To what purpose, then, are arguments drawn from a distinction in which there is no real difference—of a virtual and actual representation? A member of Parliament, chosen for any borough, represents not only the constituents and inhabitants of that particular place, but he represents the inhabitants of every other borough in Great Britain. He represents the city of London, and all the other commons of this land, and the inhabitants of all the colonies and dominions of Great Britain; and is, in duty and conscience, bound to take care of their interests.

I have mentioned the customs and the post tax. This leads me to answer another distinction, as false as the above; the distinction of internal and external taxes. The noble lord who quoted so much law, and denied upon those grounds the right of the Parliament of Great Britain to lay internal taxes upon the colonies, allowed at the same time that restrictions upon trade and duties upon the ports were legal. But I cannot see a real difference in this distinction; for I hold it to be true that a tax laid in any place

ENGLISH HOUSE OF LORDS

Photogravure after a photograph



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is like a pebble falling into and making a circle in a lake, till one circle produces and gives motion to another, and the whole circumference is agitated from the center. For nothing can be more clear than that a tax of ten or twenty per cent. laid upon tobacco, either in the ports of Virginia or London, is a duty laid upon the inland plantations of Virginia, a hundred miles from the sea, wheresoever the tobacco grows.

I do not deny but that a tax may be laid injudiciously and injuriously, and that people in such a case may have a right to complain. But the nature of the tax is not now the question; whenever it comes to be one, I am for lenity. I would have no blood drawn. There is, I am satisfied, no occasion for any to be drawn. A little time and experience of the inconveniences and miseries of anarchy may bring people to their senses.

With respect to what has been said or written upon this subject, I differ from the noble lord, who spoke of Mr. Otis and his book with contempt, though he maintained the same doctrine in some points, while in others he carried it farther than Otis himself, who allows everywhere the supremacy of the crown over the colonies. No man, on such a subject, is contemptible. Otis is a man of consequence among the people there. They have chosen him for one of their deputies at the Congress and general meeting from the respective governments. It was said, the man is mad. What then? One madman often makes many. Masaniello was mad. Nobody doubts it; yet for all that he overturned the government of Naples. Madness is catching in all popular assemblies and upon all popular matters. The book is full of wildness. I never read it till a few days ago, for I seldom look into such things. I never was actually acquainted with the contents of the Stamp Act till I sent for it on purpose to read it before the debate was expected. With respect to authorities in *another House*, I know nothing of them. I believe that I have not been in that House more than once since I had the honor to be called up to this; and, if I did know anything that passed in the other House, I could not and would not mention it as an authority here. I ought not to mention any such authority. I should think it beneath my own and your lordship's dignity to speak of it.

I am far from bearing any ill will to the Americans; they are a very good people, and I have long known them. I began life with them, and owe much to them, having been much concerned in the plantation causes before the privy council; and so I became a good deal acquainted with American affairs and people. I dare say their heat will soon be over, when they come to feel a little the consequences of their opposition to the legislature. Anarchy always cures itself; but the ferment will continue so much the longer while hotheaded men there find that there are persons of weight and character to support and justify them here.

Indeed, if the disturbances should continue for a great length of time, force must be the consequence, an application adequate to the mischief and arising out of the necessity of the case; for force is only the difference between a superior and subordinate jurisdiction. In the former, the whole force of the legislature resides collectively, and when it ceases to reside, the whole connection is dissolved. It will, indeed, be to very little purpose that we sit here enacting laws and making resolutions if the inferior will not obey them, or if we neither can nor dare enforce them; for then, and then, I say, of necessity, the matter comes to the sword. If the offspring are grown too big and too resolute to obey the parent, you must try which is the strongest, and exert all the powers of the mother country to decide the contest.

I am satisfied, notwithstanding, that time and a wise and steady conduct may prevent those extremities which would be fatal to both. I remember well when it was the violent humor of the times to decry standing armies and garrisons as dangerous, and incompatible with the liberty of the subject. Nothing would do but a regular militia. The militia are embodied; they march; and no sooner was the militia law thus put into execution but it was then said to be an intolerable burden upon the subject, and that it would fall, sooner or later, into the hands of the crown. That was the language, and many counties petitioned against it. This may be the case with the colonies. In many places they begin already to feel the effects of their resistance to government. Interest very soon divides mercantile people; and, although there may be some mad, enthusiastic, or ill-design-ing people in the colonies, yet I am convinced that the greatest bulk, who have understanding and property, are still well affected to the mother country. You have, my lords, many friends still in the colonies; and take care that you do not, by abdicating your own authority, desert them and yourselves, and lose them forever.

In all popular tumults, the worst men bear the sway at first. Moderate and good men are often silent for fear or modesty, who, in good time, may declare themselves. Those who have any property to lose are sufficiently alarmed already at the progress of these public violences and violations, to which every man's dwelling, person, and property are hourly exposed. Numbers of such valuable men and good subjects are ready and willing to declare themselves for the support of government in due time, if government does not fling away its own authority.

My lords, the Parliament of Great Britain has its rights over the colonies; but it may abdicate its rights.

There was a thing which I forgot to mention. I mean the manuscript quoted by the noble lord. He tells you that it is there said that if the act concerning Ireland had passed, the Parliament might have abdicated its rights as to Ireland. In the first place, I heartily wish, my lords, that Ireland had not been named, at a time when that country is of a temper and in a situation so difficult to be governed; and when we have already here so much weight upon our hands, encumbered with the extensiveness, variety, and importance of so many objects in a vast and too busy empire, and the national system shattered and exhausted by a long, bloody, and expensive war, but more so by our divisions at home, and a fluctuation of counsels. I wish Ireland, therefore, had never been named.

I pay as much respect as any man to the memory of Lord Chief Justice Hale; but I did not know that he had ever written upon the subject; and I differ very much from thinking with the noble lord that this manuscript ought to be published. So far am I from it, that I wish the manuscript had never been named; for Ireland is too tender a subject to be touched. The case of Ireland is as different as possible from that of our colonies. Ireland was a conquered country; it had its pacta conventa and its regalia. But to what purpose is it to mention the manuscript? It is but the opinion of one man. When it was written, or for what particular object it was written, does not appear. It might possibly be only a work of youth, or an exercise of the understanding, in sounding and trying a question problematically. All people, when they first enter professions, make their collections pretty early in life; and the manuscript may be of that sort. However, be it what it may, the opinion is but problematical; for the act to which the writer refers never passed, and Lord Hale only said that if it had passed, the Parliament might have abdicated their right.

But, my lords, I shall make this application of it. You may abdicate your right over the colonies. Take care, my lords, how you do so, for such an act will be irrevocable. Proceed, then, my lords, with spirit and firmness; and, when you shall have established your authority, it will then be a time to show your lenity. The Americans, as I said before, are a very good people, and I wish them exceedingly well; but they are heated and inflamed. The noble lord who spoke before ended with a prayer. I cannot end better than by saying to it Amen; and in the words of Maurice, Prince of Orange, concerning the Hollanders: "God bless this industrious, frugal, and well-meaning, but easily-deluded people."

JEAN PAUL MARAT

HIS DEFENSE

[Jean Paul Marat, the "Friend of the People," was born in Switzerland in 1743. He received his education in France, studying medicine at Toulouse and Bordeaux. He settled in London in 1765, practicing as a physician there, being also interested in politics, science, and philosophy. Being appointed physician to the Comte d'Artois, he returned to France in 1777, resigning the appointment in 1786. At the beginning of the French Revolution he stepped into prominence; arousing the people in 1789, by his paper "L'Ami du Peuple." As a consequence to his fiery articles in it, he had to live for a long time in cellars and sewers to escape arrest, even being forced to flee to England at one time. In 1792 he was elected to the Convention. In 1793 he was arrested and tried by the Convention for alleged outrages against that assembly, but he was acquitted by the tribunal and brought back to the Convention in triumph. This was the highest flood of Marat's popularity. He was assassinated in his house by a woman named Charlotte Corday, in 1793. The following speech was made in his own defense before the National Convention in Paris, 1793.]

CITIZENS, Members of the Revolutionary Tribunal: If Roland the patron of the clique of the Girondists had not wasted the public property in misleading the people and perverting the public mind; if the faction of statesmen had not flooded the whole republic with infamous libels of the Commune, the municipality, the sections, the committee of serveillance, and, above all, directed against the deputation of Paris; if they had not so long laid their heads together to defame Danton, Robespierre, and Marat; if they had not ceaselessly represented me as a factionist, an anarchist, a drinker of blood, an ambitious man, who looked for supreme power under the title of tribune, triumvir, and director; if the nation, completely undeceived, had recognized the perfidy of these impostures; if their guilty authors had been branded, I would have resisted the arbitrary acts brought against me under the title of "Decree and Act of Accusation," by a perfidious faction, which I had so often denounced as almost wholly composed of royalists, traitors, and plotters. I would moreover have waited till the constitution had been reinforced by the return of patriotic deputies, before presenting myself at the tribunal, and thus have overwhelmed the vile wretches who are persecuting me to-day with such odious rancor.

If, therefore, I appear before my judges, it is only to rise triumphant and confound imposture; it is to unseal the eyes of that part of the nation which is already led astray on my account; it is to go out a conqueror from this imbroglio, to reassure public opinion, to do a good service to the fatherland, and to strengthen the cause of liberty.

Full of confidence in the enlightenment, the equity, and the civic spirit of this tribunal, I myself urge the most rigorous examination of this affair. Strong in the testimony of my own conscience, in the rectitude of my intentions, in the purity of my civic spirit, I want no indulgence, but I demand strict justice.

I am ready to answer my judges. Nevertheless, before being examined I ought to place before you, citizens, a series of observations, which will put you in a position to judge of the crass ignorance, the absurdity, the iniquity, the perfidy, the implacableness, and the atrocity of my vile accusers.

The decree of accusation brought against me was carried without discussion, in violation of law and in contradiction of all the principles of order, liberty, and justice. For it is a principle of right that no citizen shall be censured without having first been heard. This decree of accusation was brought against me by two hundred and ten members of the faction of statesmen, contrary to the demand of ninety-two members of "the Mountain." That is to say, by two hundred and ten enemies of the country against ninety-two defenders of liberty. It was issued amid the most scandalous uproar, during which the patriots covered the royalists with opprobrium, reproaching them with their lack of civic spirit, their baseness, their machinations. It was issued in spite of the most marked manifestation of public opinion, amid the noise of continuous hootings throughout the tribunes. It was issued in a manner so revolting that twenty members who had been deceived by this faction of statesmen refused to vote for it, the decree not having been discussed, and while one of them, yielding to the movement of an honest friend, cried out: "I do not vote, and I greatly fear, after all I have seen, that I have been the dupe of a perfidious cabal."

This decree, far from being the desire of the majority of the convention, as it is the work of a part of the members not making one-third of the assembly, can be regarded only as resulting from the implacable spirit of this faction of the statesmen. You will see that it is the outcome of a criminal plot, for it started after the reading of a certain address to the Jacobins which I had signed as president of the society. This patriotic address, however, was no longer to be attributed to me as a crime, when nearly all my colleagues of "the Mountain" hastened to the desk to sign it. The address was truly republican, and has just been signed by all sections of Paris, and will very soon be signed by all good citizens of France.

Leaving the denunciation of this address which suggested the call for the decree of accusation, the decree naturally came to naught; but it was revived with fury by our enemies when they saw me mount the tribune to renew the proposition to hale Louis Philippe D'Orleans before the Revolutionary Tribunal, and to put a price on the heads of the rebellious and fugitive Capets; a proposition which brought despair to the statesmen, forcing them to place a cord about their own necks if they adopted it, or to confess themselves the partisans of D'Orleans and the Capet rebels, the supporters of royalism, and the accomplices of Dumouriez, if they rejected it. You know with what violence they opposed it. Such a decree, therefore, is only an act of tyranny. It calls for resistance against oppression; and it cannot fail to prove revolting to all good citizens when once it shall be as well known in the departments as it is in Paris.

I pass to the act of accusation. Originating with a committee of legislation almost entirely composed of my most mortal enemies, all members of the faction, it was drawn with such want of reflection that it bears on its face all the characteristics of dense ignorance, falsehood, madness, fury, and atrocity. That act, at a glance, may be seen to be filled with glaring inconsistency, or we should rather say with the spirit of contradiction to the "Decree of Accusation" of which it served as the basis; for it makes no mention of the address drawn up by the Jacobins, the signing of which they attributed to me as a crime; yet this address was what caused the Decree.

When I show how ridiculous and destitute of foundation this act is I feel ashamed of the committee. As the address of the Jacobins contains the sentiments of true republicans, and as it has been signed by nearly all of my colleagues of "the Mountain," the committee, forced to abandon the fundamental count in the accusation, was reduced to the expedient of citing some of my writings which had lain neglected for many months in the dust of their cases, and it stupidly reproduced the denunciation of some others of my writings, a subject which the assembly refused to pursue, passing to the order of the day, as I shall prove in the sequel.

Let us prove now that that act is illegal. It rests wholly, as you have seen, on some of my political opinions. These opinions had almost all been enunciated from the tribune of the convention before being published in my writings. For my writings, whose constant aim is to reveal plots, to unmask traitors, to propose useful measures, are a supplement to what I cannot always explain in the midst of the assembly. Now, article number seven of the fifth section of the "Constitutional Act" states in express terms:—

> "The representatives of the nation are inviolable: they cannot be sought, accused, nor judged at any time for what they have said, written, or done in the exercise of their functions as representatives."

The "Act of Accusation" is, therefore, null and void, in that it is diametrically opposed to the fundamental law, which has not been and which cannot be repealed. It is null and void in that it attacks the most sacred right that belongs to a representative of the people.

I am quite aware that this right does not include that of plotting against the state, of attempting any enterprise against the interests of liberty, of attacking the rights of citizens, or of compromising public safety, but it certainly allows a citizen to say, write, or do anything which accords with the sincere purpose of serving the country, of procuring the general welfare, and causing the triumph of liberty. It is so essentially inherent in the functions of the nation's representatives that without it it would be impossible for the faithful to defend the fatherland and themselves against the traitors who would oppress and enslave them.

The patriots of the Constituent Assembly so thoroughly felt the necessity of making the representatives inviolable and unassailable, capable of struggling with impunity against the despot and completing the revolution, that they hastened to consecrate this right by the famous decree of June 23, 1789, before they had even constituted themselves the National Assembly.

They felt so thoroughly that this right was inherent in every public function, that they stretched it to cover every judicial body, every administrative body, and even all citizens united in a primary assembly.

Without this inalienable right could liberty maintain itself a moment against the machinations of its conspiring enemies? Without it, how, in the midst of a corrupt senate, could a small number of deputies, invincibly attached to the fatherland, unmask the traitors who seek to oppress it or put it in fetters?

Without that essential right, how could a small number of far-seeing and determined patriots foil the plots of a numerous faction of schemers? One may judge of this by what happens to us. If the faction of statesmen can under false pretext attack me, expel me from its convention, hale me before a tribunal, hold me in captivity, cause me to perish; to-morrow under other pretexts it will attack Robespierre, Danton, Callot-d'Herbois, Panis, Lindet, Camille, David, Audoin, Laiguelit, Meaulle, Dupuis, Javougues, Granet, and all the other courageous deputies of the convention. It will restrain the others by terror. It will usurp the sovereignty. It will call to its side Dumouriez, Cobourg, Clerfayt, its accomplices. Supported by Prussians, Austrians, and "Emigrants," it will reestablish despotism in the hands of a Capet who will cut the throats of all the known patriots, and it will endow the first employments with the treasures of the state. The decree of accusation issued against me for my political opinions is therefore an attack on national representation, and I do not doubt that the convention, with its quota filled by the return of patriotic commissaries, will soon feel its dangerous consequences, its ill-boding results, and will blush that it should have been decreed in its name, and will hasten to repeal it as destructive of all public liberty.

The act of accusation is not only absurd in that it violates all constitutional liberty and attacks national representations, it is still more so in that the committee, contrary to all principle, turns the convention into a criminal tribunal, for it makes it pronounce without shame an iniquitous judgment, in deciding, without preliminary examination of a single document, without even having placed in question if such writings are mine, that I am found to have provoked murder and pillage, to have called up a power that threatens the sovereignty of the people, dishonored the convention, incited its dissolution, etc.

But what will appear incredible is that the committee calls down, without ceremony, without shame, and without remorse, capital punishment on my head, and cites articles of the penal code, which, according to it, condemned me to death. I doubt not that such is the object they have in view. How many statesmen have been tormented with despair of keeping me in prison, smothering my voice, and restraining my pen? Did not one of them, the atrocious Lacaze, have the impudence to ask the convention, as Dumouriez and Cobourg asked of the faction, that I should be outlawed? So that the act of accusation is a veritable "verdict rendered," which has only now to be executed.

Finally, this act is a tissue of lies and fabrications. It accuses me of having incited to murder and pillage, of setting up a "Chief of State," dishonoring and dissolving a convention, etc. The contrary was proved by the simple reading of my writings. I demand a consecutive reading of the denounced members; for it is not by garbling and mutilating passages that the ideas of an author are to be learnt, it is by reading the context that their meaning may be judged of.

If after the reading any doubts remain, I am here to remove them.

After acquittal Marat said: " Citizens, jurymen and judges who compose the Revolutionary Tribunal, the fate of the criminals of treason against the nation is in your hands. Protect the innocent and punish the guilty, and the country will be saved."

JOHN MARSHALL

THE FEDERAL CONSTITUTION

[John Marshall was born in Virginia in 1755. He received a careful education in the best schools the colonies afforded, and began to study law in his teens. On the outbreak of the War of Independence he volunteered at once, and rose to the rank of captain. When peace was restored, Marshall, who had resigned his commission and obtained admission to the bar, rose rapidly to prominence in public affairs. He sat in the legislature, and also used his influence in support of the Constitution of the United States, when that instrument was presented for ratification. After the establishment of the federal government President Washington offered him the attorney-generalship and a French mission, both of which he declined. President John Adams sent him to France, however, as one of the special envoys appointed to manage differences with that power. Having declined an associate justiceship on the United States Supreme Court bench, he was elected to Congress, and later President Adams made him secretary of state, and finally, in November, 1800, appointed him to the office he was destined to fill with such prestige for nearly thirty-five years—that of chief justice of the Supreme Court of the United States. He died in 1835. The following is the speech he made in the New York Convention, June 10, 1778, urging the ratification of the new Constitution.]

MR. CHAIRMAN: I conceive that the object of the discussion now before us is, whether democracy or despotism be most eligible. I am sure that those who framed the system submitted to our investigation, and those who now support it intend the establishment and security of the former. The supporters of the Constitution claim the title of being firm friends of the liberty and the rights of mankind. They say that they consider it as the best means of protecting liberty. We, sir, idolize democracy. Those who oppose it have bestowed eulogiums on monarchy. We prefer this system to any monarchy, because we are convinced that it has a greater tendency to secure our liberty and promote our happiness. We admire it, because we think it a well regulated democracy: it is recommended to the good people of this country; they are, through us, to declare whether it be such a plan of government as will establish and secure their freedom.

Permit me to attend to what the honorable gentleman, Mr. Henry, has said. He has expatiated on the necessity of a due attention to certain maxims—to certain fundamental principles, from which a free people ought never to depart. I concur with him in the propriety of the observance of such maxims. They are necessary in any government, but more essential to a democracy than to any other. What are the favorite maxims of democracy? A strict observance of justice and public faith, and a steady adherence to virtue. These, sir, are the principles of a good government. No mischief, no misfortune, ought to deter us from a strict observance of justice and public faith. Would to heaven that these principles had been observed under the present government! Had this been the case, the friends of liberty would not be so willing now to part with it. Can we boast that our government is founded on these maxims? Can we pretend to the enjoyment of political freedom or security, when we are told that a man has been, by an act of Assembly, struck out of existence without a trial by jury, without examination, without being confronted with his accusers and witnesses, without the benefits of the law of the land? Where is our safety, when we are told that this act was justifiable, because the person was not a Socrates? What has become of the worthy member's maxims? Is this one of them? Shall it be a maxim that a man shall be deprived of his life without the benefit of law? Shall such a deprivation of life be justified by answering that the man's life was not taken secundum artem, because he was a bad man? Shall it be a maxim that government ought not to be empowered to protect virtue?

The honorable member, after attempting to vindicate that tyrannical legislative act to which I have been alluding, proceeded to take a view of the dangers to which this country is exposed. He told us that the principal danger arose from a government which, if adopted, would give away the Mississippi. I intended to proceed regularly, by attending to the clause under debate; but I must reply to some observations which were dwelt upon to make impressions on our minds unfavorable to the plan upon the table. Have we no navigation in, or do we derive no benefit from the Mississippi? How shall we retain it? By retaining that weak government which has hitherto kept it from us? Is it thus that we shall secure that navigation? Give the government the power of retaining it, and then we may hope to derive actual advantages from it. Till we do this, we cannot expect that a government which hitherto has not been able to protect it, will have the power to do it hereafter. Have we attended too long to consider whether this government would be able to protect us? Shall we wait for further proofs of its inefficacy? If on mature consideration the Constitution will be found to be perfectly right on the subject of treaties, and containing no danger of losing that navigation, will he still object? Will he object because eight states are unwilling to part with it? This is no good ground of objection.

He then stated the necessity and probability of obtaining amendments. This we ought to postpone until we come to that clause, and make up our minds whether there be anything unsafe in this system. He conceived it impossible to obtain amendments after adopting it. If he was right, does not his own argument prove that in his own conception, previous amendments cannot be had? For, sir, if subsequent amendments cannot be obtained, shall we get amendments before we ratify? The reasons against the latter do not apply against the former. There are in this state, and in every state in the Union, many who are decided enemies of the Union. Reflect on the probable conduct of such men. What will they do? They will bring amendments which are local in their nature, and which they know will not be accepted. What security have we that other states will not do the same? We are told that many in the states were violently opposed to it. They are more mindful of local interests. They will never propose such amendments as they think would be obtained. Disunion will be their object. This will be attained by the proposal of unreasonable amendments. This, sir, though a strong cause, is not the only one that will militate against previous amendments. Look at the comparative temper of this country now and when the late Federal convention met. We had no idea then of any particular system. The formation of the most perfect plan was our object and wish. It was imagined that the states would accede to, and be pleased with, the proposition that would be made them. Consider the violence of opinions, the prejudices and animosities which have been since imbibed. Will not these operate greatly against mutual concessions, or a friendly concurrence? This will, however, be taken up more properly another time. He says we wish to have a strong, energetic, powerful government. We contend for a well-regulated democracy. He insinuates that the power of the government has been enlarged by the convention, and that we may apprehend it will be enlarged by others. The convention did not, in fact, assume any power.

They have proposed to our consideration a scheme of government which they thought advisable. We are not bound to adopt it if we disapprove of it. Had not every individual in this community a right to tender that scheme which he thought most conducive to the welfare of his country? Have not several gentlemen already demonstrated that the convention did not exceed their powers? But the Congress have the power of making bad laws, it seems. The Senate, with the President, he informs us, may make a treaty which shall be disadvantageous to us; and that, if they be not good men, it will not be a good constitution. I shall ask the worthy member only, if the people at large, and they alone, ought to make laws and treaties. Has any man this in contemplation? You cannot exercise the powers of government personally yourselves. You must trust to agents. If so, will you dispute giving them the power of acting for you, from an existing possibility that they may abuse it? As long as it is impossible for you to transact your business in person, if you repose no confidence in delegates, because there is a possibility of their abusing it, you can have no government; for the power of doing good is inseparable from that of doing some evil.

We may derive from Holland lessons very beneficial to ourselves. Happy that country which can avail itself of the misfortunes of others—which can gain knowledge from that source without fatal experience! What has produced the late disturbances in that country? The want of such a government as is on your table, and having in some measure such a one as you are about to part with. The want of proper powers in the government, the consequent deranged and relaxed administration, the violence of contending parties, and inviting foreign powers to interpose in their disputes, have subjected them to all the mischiefs which have interrupted their harmony. I cannot express my astonishment at his high-colored eulogium on such a government. Can anything be more dissimilar than the relation between the British government and the colonies, and the relation between Congress and the states? We were not represented in Parliament. Here we are represented. Arguments which prove the impropriety of being taxed by Britain do not hold against the exercise of taxation by Congress.

Let me pay attention to the observation of the gentleman who was last up, that the power of taxation ought not to be given to Congress. This subject requires the undivided attention of this House. This power I think essentially necessary; for without it there will be no efficiency in the government. We have had sufficient demonstration of the vanity of depending on requisitions. How, then, can the general government exist without this power? The possibility of its being abused is urged as an argument against its expediency. To very little purpose did Virginia discover the defects in the old system; to little purpose, indeed, did she propose improvements; and to no purpose is this plan constructed for the promotion of our happiness, if we refuse it now, because it is possible that it may be abused. The confederation has nominal powers, but no means to carry them into effect. If a system of government were devised by more than human intelligence, it would not be effectual if the means were not adequate to the power. All delegated powers are liable to be abused. Arguments drawn from this source go in direct opposition to the government, and in recommendation of anarchy. The friends of the Constitution are as tenacious of liberty as its enemies. They wish to give no power that will endanger it. They wish to give the government powers to secure and protect it. Our inquiry here must be, whether the power of taxation be necessary to perform the objects of the Constitution, and whether it be safe, and as well guarded as human wisdom can do it. What are the objects of the national government? To protect the United States, and to promote the general welfare. Protection, in time of war, is one of its principal objects. Until mankind shall cease to have ambition and avarice, wars will arise.

The prosperity and happiness of the people depend on the performance of these great and important duties of the general government. Can these duties be performed by one state? Can one state protect us and promote our happiness? The honorable gentleman who has gone before me, Governor Randolph, has shown that Virginia cannot do these things. How, then, can they be done? By the national government only. Shall we refuse to give it power to do them? We are answered, that the powers may be abused; that, though the Congress may promote our happiness, yet they may prostitute their powers to destroy our liberties. This goes to the destruction of all confidence in agents. Would you believe that men who had merited your highest confidence would deceive you? Would you trust them again after one deception? Why then hesitate to trust the general government? The object of our inquiry is, Is the power necessary, and is it guarded? There must be men and money to protect us. How are armies to be raised? Must we not have money for that purpose? But the honorable gentleman says that we need not be afraid of war. Look at history, which has been so often quoted. Look at the great volume of human nature. They will foretell you that a defenseless country cannot be secure. The nature of man forbids us to conclude that we are in no danger from war. The passions of men stimulate them to avail themselves of the weakness of others. The powers of Europe are jealous of us. It is our interest to watch their conduct, and guard against them. They must be pleased with our disunion. If we invite them by our weakness to attack us, will they not do it? If we add debility to our present situation, a partition of America may take place.

It is, then, necessary to give the government that power, in time of peace, which the necessity of war will render indispensable, or else we shall be attacked unprepared. The experience of the world, a knowledge of human nature, and our own particular experience, will confirm this truth. When danger shall come upon us, may we not do what we were on the point of doing once already—that is, appoint a dictator? Were those who are now friends to this Constitution less active in the defense of liberty on that trying occasion than those who oppose it? When foreign dangers come, may not the fear of immediate destruction, by foreign enemies, impel us to take a most dangerous step? Where, then, will be our safety? We may now regulate and frame a plan that will enable us to repel attacks, and render a recurrence to dangerous expedients unnecessary. If we be prepared to defend ourselves, there will be little inducement to attack us. But if we defer giving the necessary power to the general government till the moment of danger arrives, we shall give it then, and with an unsparing hand. America, like other nations, may be exposed to war. The propriety of giving this power will be proved by the history of the world, and particularly of modern republics. I defy you to produce a single instance where requisitions on several individual states composing a confederacy have been honestly complied with. Did gentlemen expect to see such punctuality complied with in America? If they did, our own experience shows the contrary.

We are told that the confederation carried us through the war. Had not the enthusiasm of liberty inspired us with unanimity, that system would never have carried us through it. It would have been much sooner terminated had that government been possessed of due energy. The inability of Congress, and the failure of states to comply with the constitutional requisitions, rendered our resistance less efficient than it might have been. The weakness of that government caused troops to be against us which ought to have been on our side, and prevented all resources of the community from being called at once into action. The extreme readiness of the people to make their utmost exertions to ward off solely the pressing danger, supplied the place of requisitions. When they came solely to be depended on, their inutility was fully discovered. A bare sense of duty, or a regard to propriety, is too feeble to induce men to comply with obligations. We deceive ourselves if we expect any efficacy from these. If requisitions will not avail, the government must have the sinews of war some other way. Requisitions cannot be effectual. They will be productive of delay, and will ultimately be inefficient. By direct taxation, the necessities of the government will be supplied in a peaceable manner, without irritating the minds of the people. But requisitions cannot be rendered efficient without a civil war—without great expense of money, and the blood of our citizens. Are there any other means? Yes, that Congress shall apportion the respective quotas previously, and if not complied with by the states, that then this dreaded power shall be exercised. The operation of this has been described by the gentleman who opened the debate. He cannot be answered. This great objection to that system remains unanswered. Is there no other argument which ought to have weight with us on this subject? Delay is a strong and pointed objection to it.

We are told by the gentleman who spoke last, that direct taxation is unnecessary, because we are not involved in war. This admits the propriety of recurring to direct taxation if we were engaged in war. It has not been proved that we have no dangers to apprehend on this point. What will be the consequence of the system proposed by the worthy gentleman? Suppose the states should refuse?

The worthy gentleman who is so pointedly opposed to the Constitution proposes remonstrances. Is it a time for Congress to remonstrate or compel a compliance with requisitions, when the whole wisdom of the Union and the power of Congress are opposed to a foreign enemy? Another alternative is, that if the states shall appropriate certain funds for the use of Congress, Congress shall not lay direct taxes. Suppose the funds appropriated by the states for the use of Congress should be inadequate; it will not be determined whether they be insufficient till after the time at which the quota ought to have been paid; and then, after so long a delay, the means of procuring money, which ought to have been employed in the first instance, must be recurred to. May they not be amused by such ineffectual and temporizing alternatives from year to year, until America shall be enslaved? The failure in one state will authorize a failure in another. The calculation in some states that others will fail will produce general failures. This will also be attended with all the expenses which we are anxious to avoid. What are the advantages to induce us to embrace this system? If they mean that requisitions should be complied with, it will be the same as if Congress had the power of direct taxation. The same amount will be paid by the people.

It is objected that Congress will not know how to lay taxes, so as to be easy and convenient for the people at large. Let us pay strict attention to this objection. If it appears to be totally without foundation, the necessity of levying direct taxes will obviate what the gentleman says; nor will there be any color for refusing to grant the power.

The objects of direct taxes are well understood; they are but few; what are they? Lands, slaves, stock of all kinds, and a few other articles of domestic property. Can you believe that ten men, selected from all parts of the state, chosen because they know the situation of the people, will be unable to determine so as to make the tax equal on, and convenient for, the people at large? Does any man believe that they would lay the tax without the aid of other information besides their own knowledge, when they know that the very object for which they are elected is to lay the taxes in a judicious and convenient manner? If they wish to retain the affections of the people at large, will they not inform themselves of every circumstance that can throw light on the subject? Have they but one source of information? Besides their own experience—their knowledge of what will suit their constituents—they will have the benefit of the knowledge and experience of the state legislature. They will see in what manner the legislature of Virginia collects its taxes. Will they be unable to follow their example? The gentlemen who shall be delegated to Congress will have every source of information that the legislatures of the states can have, and can lay the taxes as equally on the people, and with as little oppression as they can. If, then, it be admitted that they can understand how to lay them equally and conveniently, are we to admit that they will not do it, but that in violation of every principle that ought to govern men, they will lay them so as to oppress us? What benefit will they have by it? Will it be promotive of their reelection? Will it be by wantonly imposing hardships and difficulties on the people at large, that they will promote their own interest, and secure their reelection? To me it appears incontrovertible that they will settle them in such a manner as to be easy for the people. Is the system so organized as to make taxation dangerous? I shall not go to the various checks of the government, but examine whether the immediate representation of the people be well constructed. I conceive its organization to be sufficiently satisfactory to the warmest friend of freedom. No tax can be laid without the consent of the House of Representatives. If there be no impropriety in the mode of electing the representatives, can any danger be apprehended? They are elected by those who can elect representatives in the state legislature. How can the votes of the electors be influenced? By nothing but the character and conduct of the man they vote for. What object can influence them when about choosing him? They have nothing to direct them in the choice but their own good. Have you not as pointed and strong a security as you can possibly have? It is a mode that seems an impossibility of being corrupted. If they are to be chosen for their wisdom, virtue, integrity, what inducement have they to infringe on our freedom? We are told that they may abuse their power. Are there strong motives to prompt them to abuse it? Will not such abuse militate against their own interest? Will not they and their friends feel the effects of iniquitous measures? Does the representative remain in office for life? Does he transmit his title of representative to his son? Is he secured from the burden imposed on the community?

To procure their reelection, it will be necessary for them to confer with the people at large, and convince them that the taxes laid are for their good. If I am able to judge on the subject, the power of taxation now before us is wisely conceded, and the representatives are wisely elected.

The honorable gentleman said that a government should ever depend on the affections of the people. It must be so. It is the best support it can have. This government merits the confidence of the people, and I make no doubt will have it. Then he informed us again of the disposition of Spain with respect to the Mississippi, and the conduct of the government with regard to it. To the debility of the confederation alone may justly be imputed every cause of complaint on this subject. Whenever gentlemen will bring forward their objections I trust we can prove that no danger to the navigation of that river can arise from the adoption of this Constitution. I beg those gentlemen that may be affected by it to suspend their judgment till they hear it discussed. Will, says he, the adoption of this Constitution pay our debts? It will compel the states to pay their quotas. Without this, Virginia will be unable to pay. Unless all the states pay, she cannot. Though the states will not coin money (as we are told), yet this government will bring forth and proportion all the strength of the Union. That economy and industry are essential to our happiness will be denied by no man. But the present government will not add to our industry. It takes away the incitements to industry by rendering property insecure and unprotected. It is the paper on your table that will promote and encourage industry. New Hampshire and Rhode Island have rejected it, he tells us. New Hampshire, if my information be right, will certainly adopt it. The report spread in this country, of which I have heard, is, that the representatives of that state having, on meeting, found they were instructed to vote against it, returned to their constituents without determining the question, to convince them of their being mistaken, and of the propriety of adopting it.

The extent of the country is urged as another objection, as being too great for a republican government. This objection has been handed from author to author, and has been certainly misunderstood and misapplied. To what does it owe its source? To observations and criticisms on governments, where representation did not exist. As to the legislative power, was it ever supposed inadequate to any extent? Extent of country may render it difficult to execute the laws, but not to legislate. Extent of country does not extend the power. What will be sufficiently energetic and operative in a small territory will be feeble when extended over a wide-extended country. The gentleman tells us there are no

JOHN MARSHALL

Photogravure after an engraving by W. G. Jackman

checks in this plan. What has become of his enthusiastic eulogium on the American spirit? We should find a check and control, when oppressed from that source. In this country there is no exclusive personal stock of interest. The interest of the community is blended and inseparably connected with that of the individual. When he promotes his own, he promotes that of the community. When we consult the common good, we consult our own. When he desires such checks as these, he will find them abundantly here. They are the best checks. What has become of his eulogium on the Virginia constitution? Do the checks in this plan appear less excellent than those of the constitution of Virginia? If the checks in the Constitution be compared to the checks in the Virginia constitution, he will find the best security in the former.

The temple of liberty was complete, said he, when the people of England said to their king that he was their servant. What are we to learn from this? Shall we embrace such a system as that? Is not liberty secure with us, where the people hold all powers in their own hands, and delegate them cautiously, for short periods, to their servants, who are accountable for the smallest maladministration? Where is the nation that can boast greater security than we do? We want only a system like the paper before you, to strengthen and perpetuate this security.

The honorable gentleman has asked if there be any safety or freedom, when we give away the sword and the purse. Shall the people at large hold the sword and the purse without the interposition of their representatives? Can the whole aggregate community act personally? I apprehend that every gentleman will see the impossibility of this. Must they, then, not trust them to others? To whom are they to trust them but to their representatives, who are accountable for their conduct? He represents secrecy as unnecessary, and produces the British government as a proof of its inutility. Is there no secrecy there? When deliberating on the propriety of declaring war, or on military arrangements, do they deliberate in the open fields? No, sir. The British government affords secrecy when necessary, and so ought every government. In this plan, secrecy is only used when it would be fatal and pernicious to publish the schemes of government. We are threatened with the loss of our liberties by the possible abuse of power, notwithstanding the maxim that those who give may take away. It is the people that give power, and can take it back. What shall restrain them? They are the masters who give it, and of whom their servants hold it.

He then argues against the system because it does not resemble the British government in this—that the same power that declares war has not the means of carrying it on. Are the people of England more secure, if the Commons have no voice in declaring war? or are we less secure by having the Senate joined with the President? It is an absurdity, says the worthy member, that the same man should obey two masters, that the same collector should gather taxes for the general government and the state legislature. Are they not both the servants of the people? Are not Congress and the state legislature the agents of the people, and are they not to consult the good of the people? May not this be effected by giving the same officer the collection of both taxes? He tells you that it is an absurdity to adopt before you amend. Is the object of your adoption to amend solely? The objects of your adoption are union, safety against foreign enemies, and protection against faction—against what has been the destruction of all republics. These impel you to its adoption. If you adopt it, what shall restrain you from amending it, if, in trying it, amendments shall be found necessary? The government is not supported by force, but depending on our free will. When experience shall show us any inconveniences, we can then correct it. But until we have experience on the subject, amendments as well as the Constitution itself are to try. Let us try it, and keep our hands free to change it when necessary. If it be necessary to change government, let us change that government which has been found to be defective. The difficulty we find in amending the confederation will not be found in amending this Constitution. Any amendments in the system before you will not go to a radical change; a plain way is pointed out for the purpose. All will be interested to change it, and therefore all exert themselves in getting the change. There is such a diversity of sentiment in human minds, that it is impossible we shall ever concur in one system till we try it. The power given to the general government over the time, place, and manner of election is also strongly objected to. When we come to that clause, we can prove it is highly necessary, and not dangerous.

The worthy member has concluded his observations by many eulogiums on the British constitution. It matters not to us whether it be a wise one or not. I think that, for America at least, the government on your table is very much superior to it. I ask you if your House of Representatives would be better than it is if a hundredth part of the people were to elect a majority of them. If your senators were for life, would they be more agreeable to you? If your President were not accountable to you for his conduct—if it were a constitutional maxim that he could do no wrong—would you be safer than you are now? If you can answer, Yes, to these questions, then adopt the British constitution. If not, then, good as that government may be, this is better. The worthy gentleman who was last up said the confederacies of ancient and modern times were not similar to ours, and that consequently reasons which applied against them could not be urged against it. Do they not hold out one lesson very useful to us? However unlike in other respects, they resemble it in its total inefficacy. They warn us to shun their calamities and place in our government those necessary powers, the want of which destroyed them. I hope we shall avail ourselves of their misfortunes, without experiencing them. There was something peculiar in one observation he made. He said that those who governed the cantons of Switzerland were purchased by foreign powers, which was the cause of their uneasiness and trouble. How does this apply to us? If we adopt such a government as theirs, will it not be subject to the same inconvenience? Will not the same cause produce the same effect? What shall protect us from it? What is our security?

He then proceeded to say, the causes of war are removed from us; that we are separated by the sea from the powers of Europe, and need not be alarmed. Sir, the sea makes them neighbors to us. Though an immense ocean divides us, we may speedily see them with us. What dangers may we not apprehend to our commerce! Does not our naval weakness invite an attack on our commerce? May not the Algerines seize our vessels? Cannot they and every other predatory or maritime nation pillage our ships and destroy our commerce, without subjecting themselves to any inconvenience? He would, he said, give the general government all necessary powers. If anything be necessary it must be so to call forth the strength of the Union when we may be attacked, or when the general purposes of America require it. The worthy gentleman then proceeded to show that our present exigencies are greater than they will ever be again.

Who can penetrate into futurity? How can any man pretend to say that our future exigencies will be less than our present? The exigencies of nations have been generally commensurate to their resources. It would be the utmost impolicy to trust to a mere possibility of not being attacked, or obliged to exert the strength of the community. He then spoke of a selection of particular objects by Congress, which, he says, must necessarily be oppressive; that Congress, for instance, might select taxes, and that all but landholders would escape. Cannot Congress regulate the taxes so as to be equal on all parts of the community? Where is the absurdity of having thirteen revenues? Will they clash with or injure each other? If not, why cannot Congress make thirteen distinct laws, and impose the taxes on the general objects of taxation in each state, so as that all persons of the society shall pay equally, as they ought?

He then told you that your continental government will call forth the virtue and talents of America. This being the case, will they encroach on the power of the state governments? Will our most virtuous and able citizens wantonly attempt to destroy the liberty of the people? Will the most virtuous act the most wickedly? I differ in opinion from the worthy gentleman. I think the virtue and talents of the members of the general government will tend to the security instead of the destruction of our liberty. I think that the power of direct taxation is essential to the existence of the general government, and that it is safe to grant it. If this power be not necessary and as safe from abuse as any delegated power can possibly be, then I say that the plan before you is unnecessary, for it imports not what system we have, unless it have the power of protecting us in time of peace and war.

[On the twentieth of June, the first and second sections of the third article of the Constitution being under consideration, Mr. Marshall spoke as follows:—]

Mr. Chairman: This part of the plan before us is a great improvement on that system from which we are now departing. Here are tribunals appointed for the decision of controversies, which were before either not at all or improperly provided for. That many benefits will result from this to the members of the collective society, every one confesses. Unless its organization be defective, and so constructed as to injure instead of accommodating the convenience of the people, it merits our approbation. After such a candid and fair discussion by those gentlemen who support it, after the very able manner in which they have investigated and examined it, I conceived it would be no longer considered as so very defective, and that those who opposed it would be convinced of the impropriety of some of their objections. But I perceive they still continue the same opposition. Gentlemen have gone on an idea that the federal courts will not determine the causes which may come before them with the same fairness and impartiality with which other courts decide. What are the reasons of this supposition? Do they draw them from the manner in which the judges are chosen, or the tenure of their office? What is it that makes us trust our judges? Their independence in office and manner of appointment. Are not the judges of the federal court chosen with as much wisdom as the judges of the state governments? Are they not equal, if not more independent? If so, shall we not conclude that they will decide with equal impartiality and candor? If there be as much wisdom and knowledge in the United States as in a particular state, shall we conclude that that wisdom and knowledge will not be equally exercised in the selection of the judges?

The principle on which they object to the federal jurisdiction seems to me to be founded on a belief that a fair trial will not be had in those courts. If this committee will consider it fully, they will find it has no foundation, and that we are as secure there as anywhere else. What mischief results from some causes being tried there? Is there not the utmost reason to conclude that judges wisely appointed and independent in their office will never countenance any unfair trial? What are the subjects of its jurisdiction? Let us examine them with an expectation that causes will be as candidly tried there as elsewhere, and then determine. The objection which was made by the honorable member who was first up yesterday, Mr. Mason, has been so fully refuted that it is not worth while to notice it. He objected to Congress having power to create a number of inferior courts according to the necessity of public circumstances. I had an apprehension that those gentlemen who placed no confidence in Congress would object that there might be no inferior courts. I own that I thought that those gentlemen would think there would be no inferior courts, as it depended on the will of Congress, but that we should be dragged to the center of the Union. But I did not conceive that the power of increasing the number of courts could be objected to by any gentleman, as it would remove the inconvenience of being dragged to the center of the United States. I own that the power of creating a number of courts is, in my estimation, so far from being a defect, that it seems necessary to the perfection of this system. After having objected to the number and mode, he objected to the subject matter of their cognizance. [Here Mr. Marshall read the second section.]

These, sir, are the points of federal jurisdiction to which he objects, with a few exceptions. Let us examine each of them, with a supposition that the same impartiality will be observed there as in other courts, and then see if any mischief will result from them. With respect to its cognizance in all cases arising under the Constitution and the laws of the United States, he says, that the laws of the United States being paramount to the laws of the particular states, there is no case but what this will extend to. Has the government of the United States power to make laws on every subject? Does he understand it so? Can they make laws affecting the mode of transferring property, or contracts, or claims between citizens of the same state? Can they go beyond the delegated powers? If they were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void. It will annihilate the state courts, says the honorable gentleman. Does not every gentleman here know that the causes in our courts are more numerous than they can decide, according to their present construction? Look at the dockets; you will find them crowded with suits, which the life of man will not see determined. If some of these suits be carried to other courts, will it be wrong? They will still have business enough. Then there is no danger that particular subjects, small in proportion, being taken out of the jurisdiction of the state judiciaries, will render them useless and of no effect. Does the gentleman think that the state courts will have no cognizance of cases not mentioned here? Are there any words in this Constitution which exclude the courts of the states from those cases which they now possess? Does the gentleman imagine this to be the case? Will any gentleman believe it? Are not controversies respecting lands, claimed under the grants of different states, the only controversies between citizens of the same state which the federal judiciary can take cognizance of? The case is so clear that to prove it would be a useless waste of time. The state courts will not lose the jurisdiction of the causes they now decide. They have a concurrence of jurisdiction with the federal courts in those cases in which the latter have cognizance.

How disgraceful is it that the state courts cannot be trusted, says the honorable gentleman. What is the language of the Constitution? Does it take away their jurisdiction? Is it not necessary that the federal courts should have cognizance of cases arising under the Constitution and the laws of the United States? What is the service or purpose of a judiciary, but to execute the laws in a peaceable, orderly manner, without shedding blood, or creating a contest, or availing yourselves of force? If this be the case, where can its jurisdiction be more necessary than here?

To what quarter will you look for protection from an infringement on the Constitution, if you will not give the power to the judiciary? There is no other body that can afford such a protection. But the honorable member objects to it, because, says he, the officers of the government will be screened from merited punishment by the federal judiciary. The federal sheriff, says he, will go into a poor man's house and beat him, or abuse his family, and the federal court will protect him. Does any gentleman believe this? Is it necessary that the officers will commit a trespass on the property or persons of those with whom they are to transact business? Will such great insults on the people of this country be allowable? Were a law made to authorize them, it would be void. The injured man would trust to a tribunal in his neighborhood. To such a tribunal he would apply for redress, and get it. There is no reason to fear that he would not meet that justice there which his country will be ever willing to maintain. But on appeal, says the honorable gentleman, what chance is there to obtain justice? This is founded on an idea that they will not be impartial. There is no clause in the Constitution which bars the individual member injured from applying to the state courts to give him redress. He says that there is no instance of appeals as to fact in common law cases. The contrary is well known to you, Mr. Chairman, to be the case in this commonwealth. With respect to mills, roads, and other cases, appeals lie from the inferior to the superior court, as to fact as well as law. Is it clear that there can be no case in common law in which an appeal as to fact might be proper and necessary? Can you not conceive a case where it would be productive of advantages to the people at large to submit to that tribunal the final determination, involving facts as well as law? Suppose it should be deemed for the convenience of the citizens that those things which concerned foreign ministers should be tried in the inferior courts: if justice should be done, the decision would satisfy all. But if an appeal in matters of fact could not be carried to the superior court, then it would result that such cases could not be tried before the inferior courts, for fear of injurious and partial decisions.

But, sir, where is the necessity of discriminating between the three cases of chancery, admiralty, and common law? Why not leave it to Congress? Will it enlarge their powers? Is it necessary for them wantonly to infringe your rights? Have you anything to apprehend, when they can, in no case, abuse their power without rendering themselves hateful to the people at large? When this is the case, something may be left to the legislature, freely chosen by ourselves, from among ourselves, who are to share the burdens imposed upon the community, and who can be changed at our pleasure. Where power may be trusted, and there is no motive to abuse it, it seems to me to be as well to leave it undetermined as to fix it in the Constitution.

With respect to disputes between a state and the citizens of another state, its jurisdiction has been decried with unusual vehemence. I hope no gentleman will think that a state will be called at the bar of the federal court. Is there no such case at present? Are there not many cases in which the legislature of Virginia is a party, and yet the state is not sued? It is not rational to suppose that the sovereign power shall be dragged before a court. The intent is to enable states to recover claims of individuals residing in other states. I contend this construction is warranted by the words. But, say they, there will be partiality in it if a state cannot be defended—if an individual cannot proceed to obtain judgment against a state though he may be sued by a state. It is necessary to be so and cannot be avoided. I see a difficulty in making a state defendant, which does not prevent its being plaintiff. If this be only what cannot be avoided, why object to the system on that account? If an individual has a just claim against any particular state, is it to be presumed that on application to its legislature he will not obtain satisfaction? But how could a state recover any claim from a citizen of another state without the establishment of these tribunals?

The honorable member objects to suits being instituted in the federal courts by the citizens of one state against the citizens of another state. Were I to contend that this was necessary in all cases, and that the government without it would be defective, I should not use my own judgment. But are not the objections to it carried too far? Though it may not in general be absolutely necessary, a case may happen, as has been observed, in which a citizen of one state ought to be able to recur to this tribunal, to recover a claim from the citizen of another state. What is the evil which this can produce? Will he get more than justice there? The independence of the judges forbids it. What has he to get? Justice. Shall we object to this, because the citizen of another state can obtain justice without applying to our state courts? It may be necessary with respect to the laws and regulations of commerce which Congress may make. It may be necessary in cases of debt and some other controversies. In claims for land it is not necessary, but it is not dangerous. In the court of which state will it be instituted? said the honorable gentleman. It will be instituted in the court of the state where the defendant resides, where the law can come at him and nowhere else. By the laws of which state will it be determined? said he. By the laws of the state where the contract was made. According to those laws and those only, can it be decided. Is this a novelty? No, it is a principle in the jurisprudence of this commonwealth. If a man contracted a debt in the East Indies, and it was sued for here, the decision must be consonant to the laws of that country. Suppose a contract made in Maryland, where the annual interest is at six per centum, and a suit instituted for it in Virginia, what interest would be given now, without any federal aid? The interest of Maryland, most certainly, and if the contract had been made in Virginia and suit brought in Maryland, the interest of Virginia must be given without doubt. It is now to be governed by the laws of that state where the contract was made. The laws which governed the contract at its formation, govern it in its decision. To preserve the peace of the Union only, its jurisdiction in this case ought to be recurred to. Let us consider, that when citizens of one state carry on trade in another state, much must be due to the one from the other, as the case between North Carolina and Virginia. Would not the refusal of justice to our citizens, from the courts of North Carolina, produce disputes between the states? Would the federal judiciary swerve from their duty, in order to give partial and unjust decisions?

The objection respecting the assignment of a bond to a citizen of another state has been fully answered. But suppose it were to be tried as he says, what would be given more than was actually due in the case he mentioned? It is possible in our courts as they now stand to obtain a judgment for more than justice. But the court of chancery grants relief. Would it not be so in the federal court? Would not deposition be taken to prove the payments, and if proved, would not the decision of the court be accordingly?

He objects, in the next place, to its jurisdiction in controversies between a state and a foreign state. Suppose, says he, in such a suit, a foreign state is cast, will she be bound by the decision? If a foreign state brought a suit against the commonwealth of Virginia, would she not be barred from the claim if the federal judiciary thought it unjust? The previous consent of the parties is necessary; and, as a federal judiciary will decide, each party will acquiesce. It will be the means of preventing disputes with foreign nations. On an attentive consideration of these courts, I trust every part will appear satisfactory to the committee.

The exclusion of trial by jury in this case, he urged, would prostrate our rights. Does the word "court" only mean the judges? Does not the determination of a jury necessarily lead to the judgment of the court? Is there anything here which gives the judges exclusive jurisdiction of matters of fact? What is the object of a jury trial? To inform the court of the facts. When a court has cognizance of facts, does it not follow that they can make inquiry by a jury? It is impossible to be otherwise. I hope that in this country, where impartiality is so much admired, the laws will direct facts to be ascertained by a jury. But, says the honorable gentleman, the juries in the ten miles square will be mere tools of parties, with which he would not trust his person or property, which, he says, he would rather leave to the court. Because the government may have a district ten miles square, will no man stay there but the tools and officers of the government? Will nobody else be found there? Is it so in any other part of the world, where a government has legislative power? Are there none but officers and tools of the government of Virginia in Richmond? Will there not be independent merchants, and respectable gentlemen of fortune, within the ten miles square? Will there not be worthy farmers and mechanics? Will not a good jury be found there as well as anywhere else? Will the officers of the government become improper to be on a jury? What is it to the government whether this man or that man succeeds? It is all one thing. Does the Constitution say that juries shall consist of officers, or that the supreme court shall be held in the ten miles square? It was acknowledged by the honorable member that it was secure in England. What makes it secure there? Is it their constitution? What part of their constitution is there that the Parliament cannot change? As the preservation of this right is in the hands of Parliament, and it has ever been held sacred by them, will the government of America be less honest than that of Great Britain? Here a restriction is to be found. The jury is not to be brought out of the state. There is no such restriction in that government; for the laws of Parliament decide everything respecting it. Yet gentlemen tell us that there is safety there and nothing here but danger. It seems to me that the laws of the United States will generally secure trials by a jury of the vicinage or in such manner as will be most safe and convenient for the people.

But it seems that the right of challenging the jurors is not secured in this constitution. Is this done by our own Constitution, or by any provision of the English government? Is it done by their Magna Charta, or bill of rights? This privilege is founded on their laws. If so, why should it be objected to the American Constitution that it is not inserted in it? If we are secure in Virginia, without mentioning it in our Constitution, why should not this security be found in the federal court?

The honorable gentleman said much about the quit rents in the Northern Neck. I will refer it to the honorable gentleman himself. Has he not acknowledged that there was no complete title? Was he not satisfied that the right of the legal representatives of the proprietor did not exist at the time he mentioned? If so, it cannot exist now. I will leave it to those gentlemen who come from that quarter. I trust they will not be intimidated on this account in voting on this question. A law passed in 1782 which secures this. He says that many poor men may be harassed and injured by the representatives of Lord Fairfax. If he has no right, this cannot be done. If he has this right, and comes to Virginia, what laws will his claims be determined by? By those of this state. By what tribunals will they be determined? By our state courts. Would not the poor man, who was oppressed by an unjust prosecution, be abundantly protected and satisfied by the temper of his neighbors, and would he not find ample justice? What reason has the honorable member to apprehend partiality or injustice? He supposes that if the judges be judges of both the federal and state courts they will incline in favor of one government. If such contests should arise, who could more properly decide them than those who are to swear to do justice? If we can expect a fair decision anywhere, may we not expect justice to be done by the judges of both the federal and state governments? But, says the honorable member, laws may be executed tyrannically. Where is the independency of your judges? If a law be exercised tyrannically in Virginia, to what can you trust? To your judiciary. What security have you for justice? Their independence. Will it not be so in the federal court?

Gentlemen ask what is meant by law cases and if they be not distinct from facts. Is there no law arising on cases in equity and admiralty? Look at the acts of assembly; have you not many cases where law and fact are blended? Does not the jurisdiction, in point of law as well as fact, find itself completely satisfied in law and fact? The honorable gentleman says that no law of Congress can make any exception to the federal, appellate jurisdiction of fact as well as law. He has frequently spoken of technical terms and the meaning of them. What is the meaning of the term "exception"? Does it not mean an alternation and diminution? Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the supreme court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people. Who can understand this word "exception" to extend to one case as well as the other? I am persuaded that a reconsideration of this case will convince the gentleman that he was mistaken. This may go to the cure of the mischief apprehended. Gentlemen must be satisfied that this power will not be so much abused as they have said.

The honorable member says that he derives no consolation from the wisdom and integrity of the legislature because we call them to rectify defects which it is our duty to remove. We ought well to weigh the good and evil before we determine. We ought to be well convinced that the evil will be really produced before we decide against it. If we be convinced that the good greatly preponderates, though there may be small defects in it, shall we give up that which is really good when we can remove the little mischief it may contain in the plain, easy method pointed out in the system itself?

I was astonished when I heard the honorable gentleman say that he wished the trial by jury to be struck out entirely. Is there no justice to be expected by a jury of our fellow-citizens? Will any man prefer to be tried by a court when the jury is to be of his countrymen and probably of his vicinage? We have reason to believe the regulations with respect to juries will be such as shall be satisfactory. Because it does not contain all, does it contain nothing? But I conceive that this committee will see there is safety in the case and that there is no mischief to be apprehended.

He states a case that a man may be carried from a federal to an anti-federal corner, and vice versa, where men are ready to destroy him. Is this probable? Is it presumable that they will make a law to punish men who are of different opinions in politics from themselves? Is it presumable that they will do it in one single case, unless it be such a case as must satisfy the people at large? The good opinion of the people at large must be consulted by their representatives, otherwise mischiefs would be produced which would shake the government to its foundation. As it is late I shall not mention all the gentleman's argument, but some parts of it are so glaring that I cannot pass them over in silence. He says that the establishment of these tribunals, and more particularly in their jurisdiction of controversies between citizens of these states and foreign citizens and subjects, is like a retrospective law. Is there no difference between a tribunal which shall give justice and effect to an existing right and creating a right that did not exist before? The debt or claim is created by the individual. He has bound himself to comply with it. Does the creation of a new court amount to a retrospective law?

We are satisfied with the provision made in this country on the subject of trial by jury. Does our Constitution direct trials to be by jury? It is required in our bill of rights, which is not a part of the Constitution. Does any security arise from hence? Have you a jury when a judgment is obtained on a replevin bond or by default? Have you a jury when a motion is made for the commonwealth against an individual, or when a motion is made by one joint obligor against another to recover sums paid as security? Our courts decide in all these cases without the intervention of a jury, yet they are all civil cases. The bill of rights is merely recommendatory. Were it otherwise, the consequence would be that many laws which are found convenient would be unconstitutional. What does the government before you say? Does it exclude the legislature from giving a trial by jury in civil cases? If it does not forbid its exclusion, it is on the same footing on which your state government stands now. The legislature of Virginia does not give a trial by jury where it is not necessary, but gives it wherever it is thought expedient. The federal legislature will do so too, as it is formed on the same principles.

The honorable gentleman says that unjust claims will be made, and the defendant had better pay them than go to the supreme court. Can you suppose such a disposition in one of your citizens as that to oppress another man he will incur great expenses? What will he gain by an unjust demand? Does a claim establish a right? He must bring his witnesses to prove his claim. If he does not bring his witnesses, the expenses must fall upon him. Will he go on a calculation that the defendant will not defend it or cannot produce a witness? Will he incur a great deal of expense from a dependence on such a chance? Those who know human nature, black as it is, must know that mankind are too well attached to their interest to run such a risk. I conceive that this power is absolutely necessary and not dangerous; that should it be attended by little inconveniences they will be altered, and that they can have no interest in not altering them. Is there any real danger? When I compare it to the exercise of the same power in the government of Virginia, I am persuaded there is not. The federal government has no other motive and has every reason of doing right which the members of our state legislature have. Will a man on the Eastern shore be sent to be tried in Kentucky, or a man from Kentucky be brought to the Eastern shore to have his trial? A government by doing this would destroy itself. I am convinced the trial by jury will be regulated in the manner most advantageous to the community.

JOSEPH MAZZINI

TO THE YOUNG MEN OF ITALY

[Joseph Mazzini, an Italian patriot, was born in Genoa in 1808. He received a university education, took up the study of law and literature, and began to practice as a lawyer in his native town. Interesting himself in journalism and public affairs, he gradually formed his conception of "young Italy," and took up as his life work the unity, independence, and freedom of his country. Mazzini's activities, although they led to the accomplishment of his patriotic ends, led also to his own exile, and after many vicissitudes he made London a sort of headquarters for the propagation of his collectivist political philosophy. This philosophy, animated by a lofty humanitarianism, is set forth in such essays as "Europe, its Condition and Prospects," and "Renan and France." Mazzini died in Italy, in 1872. The following address was delivered at Milan, in 1848, occasioned by the execution of the Brothers Bandiera, Austrians, who had plotted against the Italian government.]

WHEN I was commissioned by you, young men, to proffer in this temple a few words sacred to the memory of the brothers Bandiera and their fellow martyrs at Cosenza, I thought that some of those who heard me might exclaim with noble indignation: "Wherefore lament over the dead? The martyrs of liberty are only worthily honored by winning the battle they have begun; Cosenza, the land where they fell, is enslaved; Venice, the city of their birth, is begirt by foreign foes. Let us emancipate them, and until that moment let no words pass our lips save words of war."

But another thought arose: "Why have we not conquered? Why is it that, while we are fighting for independence in the north of Italy, liberty is perishing in the south? Why is it that a war, which should have sprung to the Alps with the bound of a lion, has dragged itself along for four months, with the slow uncertain motion of the scorpion surrounded by a circle of fire? How has the rapid and powerful intuition of a people newly arisen to life been converted into the weary, helpless effort of the sick man turning from side to side? Ah! had we all arisen in the sanctity of the idea for which our martyrs died; had the holy standard of their faith preceded our youth to battle; had we reached that unity of life which was in them so powerful, and made of our every action a thought, and of our every thought an action; had we devoutly gathered up their last words in our hearts, and learned from them that liberty and independence are one; that God and the people, the fatherland and humanity, are the two inseparable terms of the device of every people striving to become a nation; that Italy can have no true life till she be one, holy in the equality and love of all her children, great in the worship of eternal truth, and consecrated to a lofty mission, a moral priesthood among the peoples of Europe—we should now have had, not war, but victory; Cosenza would not be compelled to venerate the memory of her martyrs in secret, nor Venice be restrained from honoring them with a monument; and we, gathered here together, might gladly invoke their sacred names, without uncertainty as to our future destiny, or a cloud of sadness on our brows, and say to those precursor souls: 'Rejoice! for your spirit is incarnate in your brethren, and they are worthy of you.'"

The idea which they worshiped, young men, does not as yet shine forth in its full purity and integrity upon your banner. The sublime program which they, dying, bequeathed to the rising Italian generation, is yours; but mutilated, broken up into fragments by the false doctrines, which, elsewhere overthrown, have taken refuge amongst us. I look around, and I see the struggles of desperate populations, an alternation of generous rage and of unworthy repose; of shouts for freedom and of formulæ of servitude, throughout all parts of our peninsula; but the soul of the country, where is it? What unity is there in this unequal and manifold movement—where is the word that should dominate the hundred diverse and opposing counsels which mislead or seduce the multitude? I hear phrases usurping the national omnipotence—"the Italy of the north—the league of the states

—federative compacts between princes,"—but Italy, where is it? Where is the common country, the country which the Bandiera hailed as thrice initiatrix of a new era of European civilization?

Intoxicated with our first victories, improvident for the future, we forgot the idea revealed by God to those who suffered; and God has punished our forgetfulness by deferring our triumph. The Italian movement, my countrymen, is, by decree of Providence, that of Europe. We arise to give a pledge of moral progress to the European world. But neither political fictions, nor dynastic aggrandizements, nor theories of expediency, can transform or renovate the life of the peoples. Humanity lives and moves through faith; great principles are the guiding stars that lead Europe towards the future. Let us turn to the graves of our martyrs, and ask inspiration of those who died for us all, and we shall find the secret of victory in the adoration of a faith. The angel of martyrdom and the angel of victory are brothers; but the one looks up to heaven, and the other looks down to earth; and it is when, from epoch to epoch, their glances meet between earth and heaven, that creation is embellished with a new life, and a people arises from the cradle or the tomb, evangelist or prophet.

I will sum up for you in a few words this faith of our martyrs; their external life is known to you all; it is now a matter of history and I need not recall it to you.

The faith of the brothers Bandiera, which was and is our own, was based upon a few simple uncontrovertible truths, which few, indeed, venture to declare false, but which are nevertheless forgotten or betrayed by most:—

God and the People.

God at the summit of the social edifice; the people, the universality of our brethren, at the base. God, the Father and Educator; the people, the progressive interpreter of his law.

No true society can exist without a common belief and a common aim. Religion declares the belief and the aim. Politics regulate society in the practical realization of that belief, and prepare the means of attaining that aim. Religion represents the principle, politics the application. There is but one sun in heaven for all the earth. There is one law for all those who people the earth. It is alike the law of the human being and of collective humanity. We are placed here below, not for the capricious exercise of our own individual faculties,— our faculties and liberty are the means, not the end,— not to work out our own happiness upon earth; happiness can only be reached elsewhere, and there God works for us; but to consecrate our existence to the discovery of a portion of the Divine law; to practice it as far as our individual circumstances and powers allow, and to diffuse the knowledge and love of it among our brethren.

We are here below to labor fraternally to build up the unity of the human family, so that the day may come when it shall represent a single sheepfold with a single shepherd, —the spirit of God, the Law.

To aid our search after truth, God has given to us tradition and the voice of our own conscience. Wherever they are opposed, is error. To attain harmony and consistence between the conscience of the individual and the conscience of humanity, no sacrifice is too great. The family, the city, the fatherland, and humanity, are but different spheres in which to exercise our activity and our power of sacrifice towards this great aim. God watches from above the inevitable progress of humanity, and from time to time he raises up the great in genius, in love, in thought, or in action, as priests of his truth, and guides to the multitude on their way.

These principles,—indicated in their letters, in their proclamations, and in their conversation,—with a profound sense of the mission intrusted by God to the individual and to humanity, were to Attilio and Emilio Bandiera and their fellow martyrs the guide and comfort of a weary life; and, when men and circumstances had alike betrayed them, these principles sustained them in death, in religious serenity and calm certainty of the realization of their immortal hopes for the future of Italy. The immense energy of their souls arose from the intense love which informed their faith. And could they now arise from the grave and speak to you, they would, believe me, address you, though with a power very different from that which is given to me, in counsel not unlike this which I now offer to you.

Love! love is the flight of the soul towards God; towards the great, the sublime, and the beautiful, which are the shadow of God upon earth. Love your family, the partner of your life, those around you ready to share your joys and sorrows; love the dead who were dear to you and to whom you were dear. But let your love be the love taught you by Dante and by us—the love of souls that aspire together; do not grovel on the earth in search of a felicity which it is not the destiny of the creature to reach here below; do not yield to a delusion which inevitably would degrade you into egotism. To love is to give and take a promise for the future. God has given us love, that the weary soul may give and receive support upon the way of life. It is a flower springing up on the path of duty; but it cannot change its course. Purify, strengthen, and improve yourselves by loving. Act always—even at the price of increasing her earthly trials—so that the sister soul united to your own may never need, here or elsewhere, to blush through you or for you. The time will come when, from the height of a new life, embracing the whole past and comprehending its secret, you will smile together at the sorrows you have endured, the trials you have overcome.

Love your country. Your country is the land where your parents sleep, where is spoken that language in which the chosen of your heart, blushing, whispered the first word of love; it is the home that God has given you, that by striving to perfect yourselves therein, you may prepare to ascend to him. It is your name, your glory, your sign among the people. Give to it your thoughts, your counsels, your blood. Raise it up, great and beautiful as it was foretold by our great men, and see that you leave it uncontaminated by any trace of falsehood or of servitude; unprofaned by dismemberment. Let it be one, as the thought of God. You are twenty-five millions of men, endowed with active, splendid faculties; possessing a tradition of glory the envy of the nations of Europe. An immense future is before you; you lift your eyes to the loveliest heaven, and around you smiles the loveliest land in Europe; you are encircled by the Alps and the sea, boundaries traced out by the finger of God for a people of giants—you are bound to be such, or nothing.

Let not a man of that twenty-five millions remain excluded from the fraternal bond destined to join you together; let not a glance be raised to that heaven which is not the glance of a free man. Let Rome be the ark of your redemption, the temple of your nation. Has she not twice been the temple of the destinies of Europe? In Rome two extinct worlds, the Pagan and the Papal, are superposed like the double jewels of a diadem; draw from these a third world greater than the two. From Rome, the holy city, the city of love (Amor), the purest and wisest among you, elected by the vote and fortified by the inspiration of a whole people, shall dictate the pact that shall make us one, and represent us in the future alliance of the peoples. Until then you will either have no country or have her contaminated or profaned.

Love humanity. You can only ascertain your own mission from the aim set by God before humanity at large. God has given you your country as cradle, and humanity as mother; you cannot rightly love your brethren of the cradle if you love not the common mother. Beyond the Alps, beyond the sea, are other peoples now fighting or preparing to fight the holy fight of independence, of nationality, of liberty; other peoples striving by different routes to reach the same goal—improvement, association, and the foundation of an authority which shall put an end to moral anarchy and re-link earth to heaven; an authority which mankind may love and obey without remorse or shame. Unite with them; they will unite with you. Do not invoke their aid where your single arm will suffice to conquer; but say to them that the hour will shortly sound for a terrible struggle between right and blind force, and that in that hour you will ever be found with those who have raised the same banner as yourselves.

And love, young men, love and venerate the ideal. The ideal is the word of God. High above every country, high above humanity, is the country of the spirit, the city of the soul, in which all are brethren who believe in the inviolability of thought and in the dignity of our immortal soul; and the baptism of this fraternity is martyrdom. From that high sphere spring the principles which alone can redeem the peoples. Arise for the sake of these, and not from impatience of suffering or dread of evil. Anger, pride, ambition, and the desire of material prosperity are arms common alike to the peoples and their oppressors, and even should you conquer with these to-day, you would fall again to-morrow; but principles belong to the peoples alone, and their oppressors can find no arms to oppose them. Adore enthusiasm, the dreams of the virgin soul, and the visions of early youth, for they are a perfume of paradise which the soul retains in issuing from the hands of its Creator. Respect above all things your conscience; have upon your lips the truth implanted by God in your hearts, and, while laboring in harmony, even with those who differ from you, in all that tends to the emancipation of our soil, yet ever bear your own banner erect and boldly promulgate your own faith.

Such words, young men, would the martyrs of Cosenza have spoken, had they been living amongst you; and here, where it may be that, invoked by our love, their holy spirits hover near us, I call upon you to gather them up in your hearts and to make of them a treasure amid the storms that yet threaten you; storms which, with the name of our martyrs on your lips and their faith in your hearts, you will overcome.

God be with you, and bless Italy!

LORD MILNER

NEVER AGAIN

[Lord Milner, a British administrator whose career in South Africa has been especially notable, was born in 1850. He graduated with high honors at Oxford, and became a barrister, although he devoted himself rather to journalism than to the legal profession. His capacity for administrative detail revealed itself in his writings, and resulted in his appointment first as private secretary to the chancellor of the exchequer (then Mr. Goschen) and later as under-secretary for finance in Egypt. His "England in Egypt" became a standard on the subject. After some years' service as chairman of the board of inland revenue, he was made high commissioner of South Africa, holding at a later period and in connection with this post that of governor of the Transvaal and Orange River Colonies. The address given here was made to a deputation of non-conformist ministers at Cape Town in 1900, a few months before the close of the Boer war.]

I THANK you for coming here to-day to present me with this address, emanating as it does from a body of men so representative, and whose deliberate opinion on a question of the highest public importance is of such weight. You represent, I think, all the great Non-conformist religious bodies of this town and neighborhood. Your attitude is typical of the unequalled unanimity and strength of conviction which exists among the Non-conformists of South Africa with regard to the great struggle at present convulsing this country. The men whom I see here to-day, and their fellow ministers throughout South Africa, are not in the habit of obtruding their opinions on political questions. It is a unique crisis which has brought them into the arena, and the exceptional character of their intervention lends additional weight to the temperate, but strong and clear, statement of their position which has just been placed before me.

As regards myself personally, I cannot but feel it is a great source of strength at a trying time to be assured of the confidence and approval of the men I see before me, and of all whom they represent. You refer to my having to encounter misrepresentation and antagonism. I do not wish to make too much of that. I have, no doubt, been exposed to much criticism and some abuse. There has, I sometimes think, been an exceptional display of mendacity at my expense, but this is the fate of every public man who is forced by circumstances into a somewhat prominent position in a great crisis. And, after all, praise and blame have a wonderful way of balancing each other if you only give them time.

I remember when I left England for South Africa three years ago, it was amidst a chorus of eulogy so excessive that it made me feel thoroughly uncomfortable. To protest would have been useless; it would have only looked like affectation. So I just placed the surplus praise to my credit, so to speak, as something to live on in the days which I surely knew must come sooner or later, if I did my duty, when I would meet with undeserved censure. And certainly I have had to draw on that account rather heavily during the last nine months. But there is a balance on the right side which, thanks to you and others, is now once more increasing. So I cannot pose as a martyr, and what is more important, I cannot complain of any want of support. No man placed as I have been, in a position of singular embarrassment, exposed to bitter attacks to which he could not reply, and unable to explain his conduct even to his own friends, has ever had more compensation to be thankful for than I have had in the constant, devoted, forbearing support and confidence of all those South Africans, whether in this colony, in Natal, or in the Republics, whose sympathy is with the British Empire.

In the concluding paragraph of your address you refer in weighty and well-considered language to the conditions which you deem necessary for the future peace and prosperity of South Africa, and for the ultimate harmony and fusion of its white races. I can only say that I entirely agree with the views expressed in that paragraph. The longer the struggle lasts, the greater the sacrifices which it involves, the stronger must surely be the determination of all of us to achieve a settlement which will render the repetition of this terrible scourge impossible. "Never Again" must be the motto of all thinking, of all humane men. It is for that reason, not from any lust of conquest, not from any desire to trample on a gallant, if misguided, enemy, that we desire that the settlement shall all be no patchwork and no compromise; that it shall leave no room for misunderstanding, no opportunity for intrigue, for the revival of impossible ambitions, or the accumulation of enormous armaments. President Krüger has said that he wants no more conventions, and I entirely agree with him. A compromise of that sort is unfair to everybody. If there is one thing of which, after recent experiences, I am absolutely convinced, it is that the vital interests of all those who live in South Africa, of our present enemies as much as of those who are on our side, demand that there should not be two dissimilar and antagonistic political systems in that which Nature and history have irrevocably decided must be one country. To agree to a compromise which would leave any ambiguity on that point would not be magnanimity, it would be weakness, ingratitude, and cruelty: ingratitude to the heroic dead, and cruelty to the unborn generations.

But when I say that, do not think that I wish to join in the outcry, at present so prevalent, against the fine old virtue of magnanimity. I believe in it as much as I ever did, and there is plenty of room for it in South Africa to-day. We can show it by a frank recognition of what is great and admirable in the character of our enemies, by not maligning them as a body because of the sins of the few, or perhaps even of many, individuals. We can show it by not crowing excessively over our victories, and by not thinking evil of every one who, for one reason or another, is unable to join in our legitimate rejoicings. We can show it by striving to take care that our treatment of those who have been guilty of rebellion, while characterized by a just severity towards the really guilty parties, should be devoid of any spirit of vindictiveness, or of race prejudice. We can show it, above all, when this dire struggle is over, by proving by our acts that they libelled us who said that we fought for gold or any material advantage, and that the rights and privileges which we have resolutely claimed for ourselves, we are prepared freely to extend to others, even to those who have fought against us, whenever they are prepared loyally to accept them.

MIRABEAU

AGAINST THE CHARGE OF TREASON

[Honoré Gabriel Victor Riquetti, Comte de Mirabeau, an illustrious French orator and statesman, was born near Nemours in 1749. He was destined to a military career, but his unrestrained mode of life, combined with an inability to keep on good terms with his father, brought on him many personal embarrassments, as a result of which he spent some time in prison. Like Danton, he was pitted with smallpox, and he further resembled that revolutionist in being monstrously ugly. His entrance into political life is the most striking event in the early life of the French revolution. His great opportunity came when the king sent his orders to the states-general that they must maintain the class distinctions which separated them into three bodies. Mirabeau answered in terms of defiance. From that moment he was the head and front of the revolutionary movement. He was, nevertheless, subsequently accused by his opponents of an intention to sell himself to royalty for power. But he overcame all opposition by the sheer eloquence of his speeches, and seemed in a fair way to realize his ambitions, when he broke down from overwork and, it is plainly averred, dissipation. His illness terminated fatally in April, 1791. When he was accused of treason toward the revolutionists, he made the following spirited speech in his own defense, before the National Assembly, in 1789.]

IT is not for the purpose of offering a defense of myself that I ascend this tribune. Although the object of absurd assertions, none of them proved—though they would establish nothing against me if they were—I do not consider myself as lying under a formal charge; for, if I believe that any one in his senses—excepting the insignificant number of enemies whose insults I regard as a compliment—could believe me justly liable to an accusation, I would not defend myself before this Assembly. I am anxious to be put on trial; but your jurisdiction can only decide whether I ought, or ought not, to be put on trial, and there remains, therefore, but one claim that I can make upon justice, and but one favor that I can ask of your good-will, and that is, a bar before which I may be summoned.

But I cannot doubt what you think about the matter; if I present myself here, it is merely in the fear of missing an opportunity of seriously throwing light upon those proceedings of mine which my profound contempt for slander, and my disregard—perhaps my reckless disregard—for the rumors of calumny, have never permitted me to criticise outside of this Assembly. They have, nevertheless, been credited by the malicious, and might possibly bring some suspicions of partiality upon those who believe I ought to be exonerated. That which I have disdained to do, when my own reputation only was imperilled, I feel myself bound to scrutinize closely when I am assailed in the bosom of the National Assembly, and in my capacity as one of its members.

The things which I am about to divulge, simple as they will doubtless appear, since my witnesses are present in this Assembly, and the refutations with which I shall meet a series of too familiar plots, present, however, I must say, difficulties which I find it difficult to overcome. This difficulty does not lie in the repression of the just resentment which has oppressed my heart for a year, and which I am at last compelled to reveal. In this affair contempt is leagued with hatred, whose edge, however, it dulls, and which it at last kills; and where is the soul so debased as not to find a real pleasure in an opportunity of forgiving?

The pain with which I allude to the storms of a just revolution is mitigated by the thought that, if the throne has committed wrongs which we are asked to excuse, the nation which with clemency accords it nurtures conspiracies which plead to be forgiven; for, inasmuch as the king entered the Assembly for the acquiescing in our stormy revolution, has not this magnanimous condescension, by obliterating forever the regrettable impression made at the instance of corrupt counsellors by the first citizen of the empire, been equally successful in effacing the still falser impression which the enemies of the public weal willingly received from these popular movements, and which the procedure of the Court of Châtelet seems to assume as its first object to revive?

No, the real difficulty in the affair is found in the history of the procedure itself. It is a singularly odious history. The annals of crime present few examples of a wickedness so impudent, and at the same time distinguished for incompetence. Time will show this, but the disgusting secret cannot to-day be brought to light without resulting in serious complications. Those who have set on foot the procedure in the Court of the Châtelet have contrived with infernal malice that, even if they failed of success, they would find in the very patriotism of those whom they wished to destroy a guaranty of their own immunity. They perceived that the public spirit of the man they conspired against would either turn to his own destruction or prove the salvation of the conspirator. It is very hard thus to allow to men, as the result of their machinations, even a part of the result on which they had calculated. But our country demands this sacrifice, and certainly she has a right to demand even a greater one than this.

I will not, therefore, speak to you about any matters but those which are purely personal to myself; I will separate these from all extraneous matter; I renounce all intention of throwing light upon them, excepting as distinct and separate incidents; I renounce all idea, at least for to-day, of examining the contradictions and the caprices which distinguish the procedure, all its incidents, all its subterfuges, all its digressions and its reticences; the fears which it has excited in the friends and the overweening hopes which it has aroused in the foes of liberty; its hidden purpose and its palpable tendency; its present and its future; the alarm with which it sought to inspire the throne, and the recognition which it has thus perhaps thought to obtain from the head of the government. I will not examine the manner in which the investigation was conducted, the speeches, the silence, the gestures, the composure of each actor in this great and tragic scene; I will simply content myself with discussing the three principal charges which have been brought against me, and with solving an enigma whose secret your committee has thought it their duty to preserve, but which it concerns my honor that I should divulge.

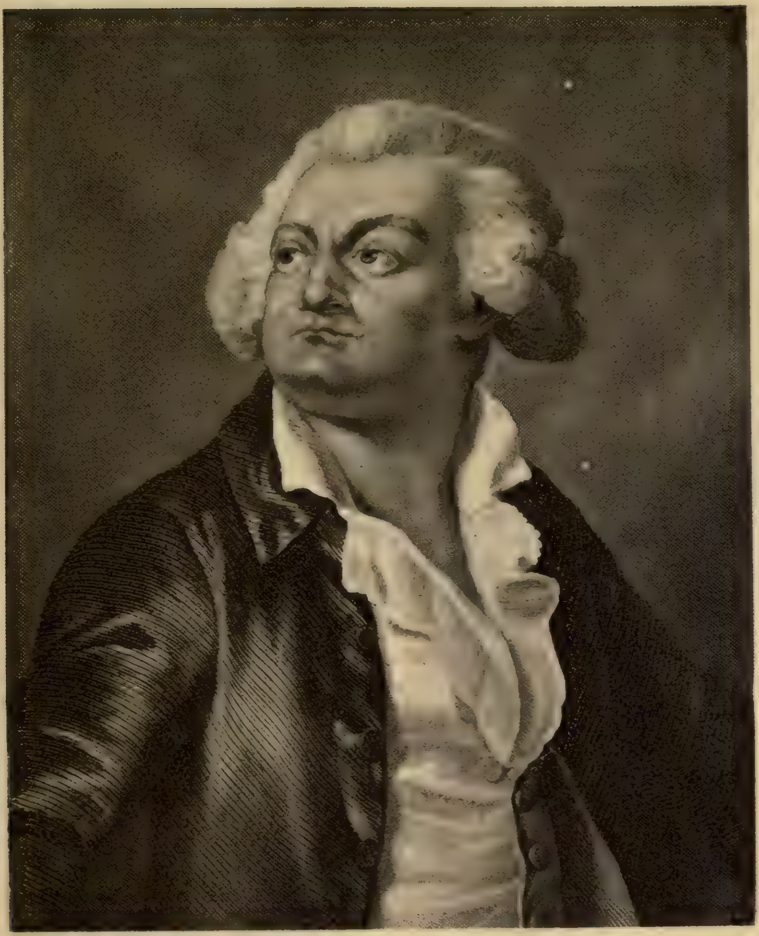
If I were compelled to treat the trial as a whole, when, as a matter of fact, it is sufficient for me to tear off some remnants from it; if I were bound to undergo a huge amount of labor in order to effect an easy defense; I should, first of all, establish the fact that, since an accusation of complicity did not relate to the violence which had been committed by an individual, but to the cause of that violence, my accusers would be bound to prove that there existed some arch-conspirator in this affair; that the arch-conspirator was the person against whom the indictment is mainly directed, and that I was his accomplice. But as this line of accusation has not been followed, I am not obliged to take such a line of defense. It will suffice if I investigate the character of the witnesses; the complexion of the charges which they lay against me; and I shall sum up the matter by discussing three principal points, since the three-fold malignity of accusers, witnesses, and judges has not been able to put forth or to vamp up anything beyond these.

I am charged with rushing, saber in hand, through the ranks of the Flanders regiment; that is to say, I am charged with an absurdity. The witnesses would have rendered this incident so much more piquant if they had added that, born a patrician and yet representing in the Assembly those who are called the third estate, I have always made it a religious duty to wear the dress which reminds me of the honor of my election. Now the spectacle of a deputy in a black coat, a round hat, a cravat and a cape, at five o'clock in the evening carrying a naked saber in his hand through the ranks of a regiment is fit subject for a caricature. Yet I have noticed that a man can easily render himself ridiculous without ceasing to be harmless. I aver that the act of brandishing a saber is not necessarily a crime as heinous as treason against the king or against the people. So that, after weighing everything and examining everything, the deposition of M. Valfond has nothing in it really serious excepting for M. Gamache, who is discovered to be legally and definitely suspected of being very ugly, since he resembles me.

But here is a proof more positive than that which M. Valfond has furnished; at least it will appear so to the low-minded. There is a friend of mine in this Assembly whom, in spite of his well-known intimacy with me, no one will ever dare to tax with disloyalty or mendacity. I refer to M. La

COMTE DE MIRABEAU

Photogravure after an engraving by H. B. Hall



Marck. I passed the whole afternoon of October 5th at his house. We were alone; our eyes were fixed upon some maps on which we were tracing certain military positions, then of particular interest to the Belgic provinces. This occupation, which absorbed La Marck's whole attention and attracted mine also, kept us busy up to the moment when he took me to the National Assembly, from which he returned with me to my house.

But on that evening an extraordinary thing took place, for which M. La Marck can vouch. It was this. After about three minutes' discussion of the event of the hour, the siege of Versailles by the formidable Amazons, of whom the Court of the Châtelet speaks, and after talking of the mournful probability that corrupt counsellors would force the king to retire to Metz, I said to La Marck, "The dynasty is ruined unless his Majesty stays where he is and takes the reins of government." We then devised means by which to obtain at once an audience of the prince in case the departure of the king should take place. This is the way in which I began to play my part as accomplice, and prepared myself to make the Duke of Orléans lieutenant-general of the kingdom. You will perhaps find these details more probable and more authentic than those concerning my Charles XII. costume.

I am charged with having said to M. Mounier, "But who told you that we did not want a king? After all, what difference does it make whether he be Louis XVI. or Louis XVII.?"

Here let me observe that the presiding magistrate, whose partiality in favor of the accused you have heard denounced, is nevertheless far from being, I do not say, prejudiced, in favor of me, but even fair-minded and unbiased toward me. It is only because M. Mounier does not confirm, in his deposition, this alleged remark of mine that the presiding magistrate hurries over it. "I shuddered," said this latter, "I shuddered as I read it, and I said to myself, 'If this conversation took place, there must have been a plot and some one is to blame for it'; happily, M. Mounier does not mention it."

Well, gentlemen, with all the esteem which I have for

M. Chabroud and his management of the investigation, I maintain that on this point his reasoning is bad. The remark, which I declare I do not remember making, is one that any citizen might be proud of, and not only is it justifiable at the moment to which it is referred, it is good in itself, it is praiseworthy; and, if the presiding magistrate had scrutinized it with his usual sagacity, he would have had no need, in order to extenuate an alleged crime, to convince himself that it was imaginary. Suppose an extreme royalist, such as M. Mounier, conversing with a moderate royalist and rejecting all idea that the monarch could be in danger amongst a nation which professes, in some way or other, to sustain a monarchical government, would you find it strange that the friend of the throne and of liberty, seeing the horizon grow dark and discerning more clearly than the enthusiast could the tendency of opinion, the rapid development of events, the dangers of an insurrection, and, wishing to snatch his too conciliatory fellow citizen from the perils of a false security, should say, "Come now, who has told you that France is not monarchist? Who maintains that France neither needs nor desires a king? But Louis XVII. will be king like Louis XVI., and if any one succeeds in persuading the nation that Louis XVI. favors and aids the excesses which have wearied the nation, the nation will call for a Louis XVII." Suppose the zealot of liberty had given his opinion, with more or less energy in proportion as he knew whom he was speaking to, and the circumstances in which his words would be most efficacious, would you see in him a conspirator, a bad citizen, or even a bad reasoner?

His suggestion would be very obvious; it would take a form of expression in accordance with the persons and circumstances of the moment. You will at least admit that a conversation never proves anything by itself, that it takes all its character, all its force from what preceded it and suggested it—from the circumstances of the moment, from the kind of men who held it; in one word, from a crowd of evanescent influences which must be distinctly described before it can be appreciated and any conclusion deduced from it.

While I am speaking of M. Mounier I will explain another incident which, in the account he himself has given, has been misrepresented to his disadvantage.

He was presiding in the National Assembly on October 5th, and on that occasion the acceptance of the Declaration of Rights, entire or with modifications, was the subject of discussion. We are told that when I went up to him I begged him to pretend that he was ill, and on this frivolous pretext to adjourn the session. Of course I was ignorant then of the fact that the indisposition of a president merely causes his predecessor to be recalled to the chair. I was unaware that no one has the power to arrest at pleasure the course of your most important debates.

This is the incident exactly and simply as it happened. I was informed on the morning of October 5th that popular excitement in Paris was rising higher and higher. It was not necessary for me to know the details to be convinced of this; one portent which never fails of fulfillment was to me sufficient indication, and that was the logic of events. I approached M. Mounier, and I said to him, "Mounier, Paris is on the march against us."

"I know nothing of it," he replied.

"It makes no difference whether you believe me or not," was my answer; "all Paris is arrayed against us. Face the situation; go up to the castle, warn them; tell them, if you like, that you have it from me—I shall make no objection, but put an end to this scandalous discussion; time presses —there's not a moment to lose."

"Paris is arrayed against us," repeated Mounier. "So much the better, then: we shall be a republic all the sooner for that."

If the spirit of opposition and rage which actuated Mounier be remembered; if it be remembered he saw in me the firebrand of Paris; his answer, which has more character in it than the poor runaway has since then shown, will be found to have done him honor. I never saw him again excepting in the National Assembly, from which he fled, as well as from the kingdom, a few days subsequently. I have never spoken to him since, and I do not know who told him that I wrote a note to him at three o'clock in the morning of October 6th, asking him to adjourn the session; I have not the slightest recollection of doing so; nothing, on the other hand, would have been more idle or futile.

I come to the third charge made against me, and it is in dealing with this point that I promised to give you the solution of an enigma. We are told that I advised the Duke of Orléans not to start for England. Now, what can be inferred from this? I claim the honor not, indeed, of having given this advice myself, for I never mentioned the subject to him, but of having prompted some one else to give it. I understand from common report that after a conversation between the Duke of Orléans and Lafayette—carried on by the one in a highly imperious tone, by the other with complete submissiveness—the former accepted the order to start for England. At the same moment the consequences of such a step flashed across my mind. The friends of liberty disquieted, the causes that produced the revolution obscured, pretexts for dissatisfaction multiplied, the king still more estranged from his people, new seeds of distrust scattered broadcast within and without the kingdom—such are the effects which this precipitate flight, this condemnation without arraignment, was bound to produce. By this step, moreover, the man to whom any turn in events was likely to give a new dictatorship, was left without a rival; the man who, at that very moment, was posting in the very bosom of liberty a body of police more active than that of the old régime; the man who, by means of this police, had gathered matter for accusations, without accusing any one; the man who, in passing on the Duke of Orléans the sentence of exile, instead of having him tried and condemned if he were culpable, by this single act openly defied the inviolability of members belonging to the Assembly. I made up my mind in an instant. I said to M. Biron, with whom I had never had any political relations, but whom I had always highly esteemed, and from whom I had several times accepted friendly services: "The Duke of Orléans has shown poor judgment in quitting the post which his constituents confided to him; if he obeys the mandate, I shall denounce his departure, throw obstacles in its way; if he remains, and makes known the invisible hand which strives to remove him, I shall denounce an authority which usurps the prerogative of the laws; let him choose between these alternatives." M. Biron answered with an expression of generous feeling, and I await the result.

The Duke of Orléans, informed of my resolution, promised to follow my advice, but two days afterward I received in the assembly a letter from M. Biron, and not from the Duke of Orléans, as is stated in my indictment. This letter was wrapped in mourning crape, and announced the departure of the prince. But, while private friendship must confine itself to sentiments of grief, it was permitted to a public man to feel indignation. An attack of spleen, or rather of patriotic anger, made me immediately form a plan which the presiding magistrate, in order to obtain evidence for punishing an indiscretion, should have made known. People may consider it insolent if they choose; but every one must at least admit, since there is no evidence of coöperation, that all idea of complicity with a conspiracy is excluded by my scheme. It related altogether to him whose conduct had so far appeared to me to be above reproach, but whose departure was in my eyes more than a mistake. This is the explanation of the whole matter, and M. de Lafayette is able to confirm all details of it, for they are perfectly well known to him. If any one shall now dare, I do not say to accuse me of crime, but to refuse me his acquittal—if any one shall dare to assert that the advice I gave was not dictated by duty, advantageous to the public cause, and calculated to do me honor, let him rise and accuse me. My opinion about this may be to him a matter of indifference, but I declare that it is impossible for me to help feeling toward him the most profound contempt.

Thus disappear these abominable aspersions, these reckless slanders which classed among dangerous conspirators, among the most execrable criminals, a man who feels that he has always sought to serve his country, and that he has not always failed in serving it. Thus vanishes the mystery so tardily made plain, the mystery which a tribunal just on the point of closing its career had unveiled to you with so much confidence and self-satisfaction. What need is there that I should now discuss, or express my contempt for, the crowd of contradictory hearsays, of absurd fabrications, of insidious hints which the indictment still contains? What need is there that I should explain the series of confidences which M. Virieu alleges he received from me, and which he reveals with such intense loyalty? He is a strange creature, this M. Virieu, but has he always been such a fervent zealot of the present Revolution? Has he shown himself at any time so true a friend of the Constitution that a man, about whom everything has been said excepting that he was a dotard, should thus have selected him for a confidant?

I am not speaking here in order to humor popular malice, to excite bursts of hatred, to bring about fresh divisions. No one knows better than I do that the salvation of everything, and of everybody, lies in harmony and in the destruction of all party spirit; but I cannot help adding that to set on foot infamous arraignments, to change the administration of justice into a weapon of attack which slaves would regard with loathing, is a poor way of effecting that reunion of hearts which alone is wanting for the achievement of our undertaking. I beg permission to resume my argument.

The indictment describes me as an accomplice; there is, then, no charge against me excepting that of complicity. The indictment does not describe me as an accomplice in any specific act of violence, but of a certain person alleged to be the prime mover in such an act. There is, then, no charge against me unless it be proved, first of all, that there was an arch-conspirator; unless it be proved that the charges of complicity implied that I played a secondary part to a principal part; unless it be established that my conduct has been one of the main springs of the act, the movement, the explosion, whose causes are being sought for.

Finally, the indictment does not simply describe me as the accomplice of any specific arch-conspirator, but as the accomplice of Mr. Somebody or other. There is, then, no charge against me unless it be at the same time proved that this prime mover is the chief culprit, and that the charges of which I am the object involve him, and imply a common plot springing from the same causes, and calculated to produce the same effects.

Now, of all that it would thus be indispensable to prove, nothing has been proved.

I forbear to inquire whether the events upon which the evidence is based are to be called calamities or crimes; whether these crimes are the result of conspiracy, a want of caution, or a turn of chance; whether the hypothesis of a single arch-conspirator does not render them a hundred-fold more inexplicable.

I am content to remind you that amongst the acts laid to my charge, some cannot be connected with each other excepting by the logic of tyrants or their tools, because they were committed many months either before or after the insurrection, and others which are contemporaneous with the indictment are evidently neither causes nor effects of it, nor have they had any influence upon it, but are of such a character as quite excludes the idea of their being performed by an agent, a conspirator, or an accomplice, and unless I am supposed to be in the number of those who were culprits in will, though not in deed, and not chargeable with anything beyond that, neither exercise of influence nor incitement, my so-called complicity is a delusion.

I am content to draw your attention to the fact that the charges which are laid against me, so far from proving that I was in collusion with the arch-conspirator concerned, would imply that my relations were of an entirely opposite character; that in denouncing the "fraternal banquet" I was not the only one to style it "an orgy"; that I merely echoed two of my friends, who had adopted the expression before me; that if I had rushed through the ranks of the Flanders regiment I should have done nothing more, according to the indictment itself, than follow the example set by many members of this Assembly; that if the remark, "What does it matter whether it be Louis XVII. ?" was made as reported, not only did I have no thought of a change of dynasty, but my ideas, as stated in a letter to a member of this Assembly, did not even turn in the possible contingency of a regent to a brother of a king.

What, then, is the prominent part that I am supposed to have played in the events with which the indictment deals? Where are the proofs of the complicity which is thrown in my teeth? What is the crime concerning which it can possibly be said, "He is either the author or the cause of it"?

But I forget that I am adopting the tone of an accused man, when in truth I ought to take that of an accuser.

What is this indictment, supported as it is by evidence which could not be gone through, whose compilation required a whole year for its completion; this indictment which the crime of high treason apparently required, and which fell into the hands of an incompetent tribunal utterly destitute of authority, excepting in the cases of treason against the nation? What sort of an indictment is this, which, threatening in the space of a single year twenty dfferent persons, is now suspended, now resumed, according to the interest and the views, the fears and hopes of its wire-pullers, and has never been anything else during that long period but a weapon of intrigue, a sword suspended over the head of those who are to be ruined or intimidated, cast off or won over; which, finally, after searching heaven and earth for evidence, has not reached any conclusion until one of those who were accused by it either lost faith in or learned to despise the dictatorial power that was keeping him in banishment?

What sort of an indictment is this, which is occupied with individual transgressions concerning which there is no evidence, transgressions whose remote causes are, nevertheless, to be eagerly sought for, without throwing any light upon their proximate causes? What procedure is this, which investigates events easily to be explained without any idea of a conspiracy, and yet has only conspiracy for its basis of investigation—whose first aim has been to conceal real faults, and to replace them by imaginary crimes? It has from the first been guided by vanity, its rage since then has been whetted by hatred, it has been carried by its party spirit, infatuated by its ministerial authority, and, after thus being the slave of many influences in turn, it has ended in an insidious denunciation of your decrees, the king's freedom of choice, his journey to Paris, the wisdom of your deliberation, the nation's love for the monarch.

What sort of an indictment is this, which the most deadly enemies of the Revolution would not have framed in a better way, even if they had been the sole promoters of it, as they have been almost its sole executors; whose tendency has been to set ablaze the most furious party spirit, even in the bosom of this Assembly, and to raise witnesses up in opposition to judges, both throughout the whole kingdom in the provinces, by calumniating the intentions of the capital, and in each town by rendering odious the liberty which was real enough to bring in question the life of the monarch; and in all Europe, by painting the situation of a free king in false colors, as that of a king captive and persecuted; and in depicting this august Assembly as an assembly of factionists? Yes, the secret of this infernal procedure is at last discovered. It is to be found in its full completeness there. It is to be found in the interests of those whose testimony and calumny have woven its tissue; in the weapons it has furnished to the enemies of the republic; this secret lurks, yes, it lurks in the heart of the judges, as it will soon be engraven on the page of history, by the most just and most implacable vengeance.

JOHN TYLER MORGAN

ON THE NICARAGUA CANAL

[John Tyler Morgan, an American statesman, was born in Tennessee in 1824. When a mere boy he was taken to Alabama, in which state he received an academic education and adopted the profession of the law. His interest in public affairs caused him to become politically prominent in early manhood. He was a member of the state convention that passed Alabama's secession ordinance, and when the Civil War broke out he enlisted in the Confederate army as a private. He was promoted through all the grades to that of brigadier-general, and proved himself a gallant soldier in the field. When the war ended he returned to the law, but his capacity for leadership secured his election to the United States Senate in 1877, and he has been continuously reëlected (as a Democrat) ever since. As an authority on foreign affairs in the Senate, and as an expert in matters connected with the constructon of a canal between the Atlantic and the Pacific, Senator Morgan has come very conspicuously before his countrymen. No man in public life to-day has done more by his speeches to make Americans conscious of the exalted destiny of their country and the national duty to live up to it. The ensuing speech on the important subject of the Nicaragua Canal was delivered in the United States Senate during the Canal debate in 1901.]

MR. PRESIDENT: The House bill No. 2538—the Hepburn canal bill—has had such treatment at the hands of the majority in the Senate, for reasons that seem to be entirely political, that I do not care to have the great non-partisan vote that passed the bill through the House of Representatives again rebuked by the Senate, by its further refusal even to consider it. This action exposes some rights and privileges of the highest possible value to the country (to secure which the President has concluded a convention with Nicaragua and Costa Rica), to repudiation by these states, if this session of Congress is closed without passing the resolution which has been read at the desk. I can only perform my duty by asking for action on this important matter.

It seems to be a mistake that nothing can excuse to leave this matter open, and I decline to be responsible for it as a Democratic chairman of a Republican committee. That committee has reported this resolution, and it, at least, deserves the respect of a Republican Senate.

It is due also to the high reputation of this Congress that this dangerous situation shall be provided for.

If there is a time for all things, "a time to plant and a time to pluck up that which was planted," we have in this hour a time in which the Senate can do more for the honor of our country by planting this canal across the Isthmus of Darien than it could have done at any moment during the life of the Fifty-sixth Congress. Instead of that, we are about to tear up what the President has there planted.

This Congress is the golden link between the nineteenth and the twentieth centuries. It opened in the year 1899, and is about to close in 1901, I fear in dishonor. Its work, so far accomplished, announces a new era in American history.

Meeting a national and a moral necessity which had compelled the United States to accept a war with Spain, which had resulted in the treaty of Paris, the Fifty-sixth Congress has proceeded to open up to the islands acquired under that treaty the opportunity for free, constitutional self-government, in which the basis of all true liberty is the separation of church and state. Our influence in the Spanish-American governments has made republics of them all, and our forced intervention in the islands of the Caribbean Sea and in the Philippine Archipelago has laid the foundation of this supreme political blessing, on which the happiness of those people will rest in perfect security.

The American people will never permit those foundations to be disturbed or the principles of our free constitutional government, that we have implanted in those islands, to be shaken.

The thrift of our people under laws that are administered with honesty and wisdom, and organic institutions that permit their freedom of action and secure their enjoyment of the results of their labor and enterprise, has made our country the granary, the clothier, the mechanician, and the scientific herald of inventive genius in the forefront, if not in the advance, of any other country.

The Fifty-sixth Congress has a just claim to high eminence amongst its predecessors for vigorous and careful efforts to give support and encouragement to our people in this great and unexampled progress made by them in this brief period of its existence. With the hands of the people, working out great destiny, this Congress has marked its era with monuments that cannot perish from our national liberty.

It has but one vote to give, for which we are prepared by years of laborious study and debate, that the world is expecting with anxious solicitude and our people demand with one united supplication to make this Congress supreme in reputation as the servant of a great country and the benefactor, the peacemaker, of all mankind. Shall we, for the want of will, or in deference to a sense of national prosperity that is not only imaginary but is not just to our country, refuse to give that vote?

The legislative branch of our government for twenty-six or more years has been dealing with this great question, without protest or criticism from any other government, including Great Britain. For sixteen years we have been dealing with the Nicaraguan Canal question in Congress, in aid of concessions made by Nicaragua and Costa Rica to our own people, and the Senate passed bills, on that basis of right, twice by very great majorities.

Congress, convinced that such a basis was not broad and secure enough to meet all the demands of our national necessity or the rightful claims for protection due to the commerce of the world, abandoned that basis and began to institute legislation to acquire national rights for the construction of a canal.

The Hepburn House bill is the outcome of this new line of action. After full deliberation the House of Representatives has sent it to the Senate, by a vote that is almost unanimous, and asks our concurrence.

This change in our line of legislative action is also in accordance with the fact that Nicaragua has declared that the concessions made to our citizens are forfeited, leaving no concessions recognized by Nicaragua as being in existence, either to the United States or to any of our people.

To obtain any canal rights in Nicaragua it is necessary to acquire them; and without such rights, either by agreement or conquest, it is not possible to construct a canal by the United States.

Seeing this situation, the President in December, 1900, made an agreement with Nicaragua in identical terms, granting such rights upon the sole condition that Congress will authorize the President to acquire such rights and privileges. I will read one of those agreements—both are in the same words—which I had the honor to report to the Senate from the committee.

PROTOCOL OF AN AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND OF COSTA RICA IN REGARD TO FUTURE NEGOTIATIONS FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL BY WAY OF LAKE NICARAGUA: —

It is agreed between the two governments that when the President of the United States is authorized by law to control such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain, on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

This agreement is not only indispensable, but it must be a cause of anxiety on the part of the President, inasmuch as he made a part of it to take effect forthwith. The President was then engaged with Great Britain in the effort to remove any possible obstruction arising out of the Clayton-Bulwer treaty that might stand in the way of such an agreement.

He did not intend to affront Great Britain or in any way to affect any right she might have to the making of such a contract with Nicaragua and Costa Rica. To accomplish this great purpose, he copied into these agreements the text of House bill 2538, known as the Hepburn bill. He could not have done this and he could not have stipulated that the most important part of the agreement should take effect forthwith if he considered that the House bill is in conflict with any right of Great Britain or any courtesy due that government.

It is an undeniable fact that the Hepburn bill is not in conflict with any right Great Britain could possibly assert arising out of the Clayton-Bulwer treaty. Full power over all such possible claims remains to the President in his diplomatic powers and functions under those agreements and under the Hepburn bill.

We cannot fathom the danger of letting these agreements fall by our refusal to confer on the President the authority to make them. This would be a fatal mistake to the country. In making these agreements the President, by implication, at least, has consented to the attitude of Nicaragua in declaring all the concessions to our citizens are annulled, and we are left without any canal rights unless we get them under these agreements.

What is it that stands in the way of the passage of the House bill, which would resolve this perilous situation into one of safety and perfect respect to all the rights and sensibilities of Great Britain?

While Congress was rightfully legislating on the canal question and providing authority for the President to acquire canal rights and privileges in those republics, the President employed his diplomatic powers to remove objections to the exclusive right of the United States to construct, own, and control a canal in Nicaragua and Costa Rica, as I suppose, and, as the whole world understands, to enable Congress to legislate on this subject without giving offense to Great Britain. This intervention of the diplomatic branch of the government had one of two purposes, namely, either to aid

Congress in legislating or else to take the whole control of the subject out of the hands of Congress. If it was to aid Congress, it was legitimate, but unnecessary. If it was to usurp the control of this great subject in the hands of the diplomatic department, it was utterly inexcusable, and so it remains. The Senate acted upon the Hay-Pauncefote treaty, which is the outcome of this negotiation, and made amendments to it. I will not discuss these amendments.

The time fixed with Great Britain for exchanging ratifications of this treaty as amended expires on the fourth of March, as I remember. We are now within a few hours of the expiration of that time, and it is certain that the Hay-Pauncefote treaty as amended has failed. No other result is possible.

We must go forward and legislate to acquire the rights defined in the Hepburn bill and in these protocols of agreements with Costa Rica and Nicaragua, or we must abandon all efforts to acquire these rights, and thus abandon the canal and the right to legislate on the subject until Great Britain shall give her consent.

It cannot be that we are in such desperate straits that we must wait for the expiration of the few hours of this Sabbath day as a courtesy to Great Britain. She could not demand a delay so brief with no indicated purpose on her part to use it in consenting to the Hay-Pauncefote treaty, for it is now manifest that she does not mean to accept those amendments.

The attitude returns us to the horrid incubus of the Clayton-Bulwer treaty, under which we have struggled with pain and national humiliation for a half century. I have no desire to travel over that dismal journey, and recall the resentments our people justly feel on this subject. I will leave that to those who are willing to adopt the shame of it and live another century under its shadow.

There is no reason why this bill should not now pass, and every reason of justice and necessity why it should pass, unless it is that we have surrendered our rights as a nation, and an essential part of the sovereign powers belonging to us, into the keeping of Great Britain. Shall this Congress, great in its history, proud in its courage, and grand in its patriotism, chain itself to the will of Great Britain and link its destiny with so shameful an act, instead of completing its splendid record by an act that will make the pageant of to-morrow a proud delight to the whole American people?

May this Sabbath day, Mr. President, open a week in our national century which shall be followed by other weeks and months and years and centuries, in all of which the nations yet unborn will bless this Congress for a measure that is full of good for all mankind. It is a healing act that will cure us and the world of ills that no other act can heal, and will develop what is our manifest destiny—to march abreast with the greatest nations that have ever existed in all that can bless mankind. We have long suffered with a paralysis that has caused us the loss of power on land and sea, in commerce, in sea power, and in ship communication with our own ports. The Master who hears us to-night, as we are working on this day excepted from labor, will bless us if we follow his example on that historic Sabbath, when he said to a paralytic Jew, "Rise, take up thy bed, and walk." But this blessing was not bestowed without objection by the Jewish lawyers who witnessed (to question the divine authority) this blessed miracle.

The Jews therefore said unto him that was cured: "It is the Sabbath day; it is not lawful for thee to carry thy bed."

The rejoicing invalid, who had been such for all his days, said, "He that made me whole said unto me: 'Take up thy bed and walk.'"

This Congress will vindicate its action before heaven and earth when it shall say to this people, so long imbecile under the paralysis of Great Britain: "Rise, take up thy bed, and walk."

JOHN MORLEY

ON HOME RULE

[John Morley, an English statesman and man of letters, was born in Blackburn, England, in 1838. He graduated at Oxford and has since received many degrees from the leading universities of his country. Upon completing his education, he took up literary work and made himself famous in a few years by his essays and studies. He has at different times been editor of the "Fortnightly Review," the "Pall Mall Gazette," "Macmillan's Magazine," and the "Literary Gazette." His works include volumes of collected essays and biographical studies. Brilliant as is his career as a man of letters, many of his admirers consider it eclipsed by his record as a statesman. He was elected to Parliament in 1883 and represented the same constituency for twelve years, when in 1896 he was chosen for Montrose Burghs and has continued to represent it ever since. He has been twice chief secretary for Ireland, with a seat in the Cabinet. It has been said that no speaker within the ranks of the Liberal party in England to-day commands more respectful attention than John Morley. The following speech regarding home rule in Ireland was delivered at Oxford, before the Oxford Debating Club, in 1888.]

SIR: This is not my maiden speech to the Oxford Union, therefore it is not upon that ground that I venture to claim your indulgence. I was warned before I came here—and what I have heard since does not alter the weight of that warning—that I must be prepared to face a decisively hostile majority.

I am sure that many of you, though you have other things to do than to follow very closely the history of Ireland, and of the good and bad movements in Ireland, must be well aware that the great bane of Ireland and of Scotland when they cross the seas—whether they go to the United States or to the English colonies—has been secret association.

The great triumph, I will say, of the League and of the national movement since the year 1880 has been that those associations which formerly were secret, and therefore dangerous, are now open and will be open as long as this most reckless government will allow them to be. Ask yourselves —I appeal to your candor—ask yourselves whether, if treason is taught, and if murder is hatched, is treason likely to be taught, is murder likely to be hatched, in open meetings?

No, it is impossible. But what is possible? I am afraid that what is certain is, that if you repress public combination —if you go through that odious and ridiculous process which is called driving discontent beneath the surface—if you do that, you are taking the surest steps that can be taken to have treason taught and murder hatched.

Now, I ask gentlemen here before they vote to-night— or, at all events, to turn it over in their minds after they have voted,—whether the goal is being reached by the present policy, a policy which the rejection of this resolution encourages and endorses.

I am not talking away from the resolution, because I am trying to call the attention of gentlemen to the alternative of the policy set out in the resolution of the honorable mover. I hope, therefore, you will agree that I am keeping close to the point. The point is the alternative of the policy of Home Rule. We have had, since the session began, a series of debates in the House of Commons upon the administration of the Coercion Act.

Of course I am not an impartial witness, but I think that the subtle something which is called the impression of a great assembly, the impression of the House of Commons, is that the government have not shown that they have attained any of the ends which they proposed to themselves when they pass this piece of legislation. All the tests that can be applied to the success of the operation of that Act appear to me to show that it has achieved none of the ends that were proposed.

Have they put down the League? It is perfectly certain that the League is as strong as ever. I know that an attempt is made to make out the contrary case, but from any test that you can apply to the strength of the League, whether it be to the number of branches, to the copiousness of subscriptions, or to the numbers at the meetings—according to any of these tests, so far as I can make out, the League is not in the least degree weakened.

Have they put down the plan of campaign? It is very clear that the plan of campaign has not been put down. It is true, to come to a third point, that there is a great decline in boycotting. That is quite true, but the point that you have got to make good is that the decline in boycotting is due to the government policy. There are more explanations than one for the decline of boycotting.

If you want my explanation, since you have been so very kind as to ask me to come here, and are so good as to listen to me so attentively, my explanation is that the decline of boycotting is due, first of all, to the fact that a great many of the boycotted persons have wisely, or unwisely, yielded to and joined the League; and, secondly, what is a far more important consideration, boycotting has declined because a great many landlords have, under pressure, or from other motives, made those reductions which equity required and which the peace of the country demanded.

Now, I think it is very important that you should try to realize for yourselves what the policy of coercion is in actual practice. I am not going to detain this House very long by reading extracts. One of the most respected lawyers in the North of England and a very old friend of mine, who is a very experienced man, was in the court at Galway on the thirteenth of this month during a trial of twelve men for rioting. This is what he says:—

> "There was a great crowd to welcome Mr. Blunt on the evening of January 7. When Mr. Blunt was brought to the jail at Galway the people were orderly on the whole, but they cheered for Mr. Blunt, and they pushed through the police at the station in their anxiety to see Mr. Blunt."

Was there any harm in that? My friend goes on to say that orders were given to clear the station. I will ask you to mark that I am not criticising what happened. I want to get you into court. My friend goes on to say:—

> "The station was cleared in half a minute, the police batoning the people and knocking them down. What attempt was made on February

ruary 13 to bring any offense home to the twelve accused persons? All that could be urged against them was that they had waited for and had cheered Mr. Blunt."

And I think they had as much right to do so as if they had been in Oxford station. To continue:—

"The charge was not dismissed, it was adjourned and resumed on February 14, the next day. The Crown then called four fresh policemen, of whose evidence no notice had been given to the accused, and these four fresh policemen told a new tale. The crowd, which, according to the evidence of the day before, was described as orderly, was now described as disorderly. It was now represented that the police had been interfered with and were in actual peril. There was stone-throwing, but it was outside the station, and no attempt was made to connect the accused with anything that took place outside the station, or anything worse than shouting or cheering. The result was that eleven or twelve of the accused men were sentenced to a fortnight's or a month's imprisonment with hard labor; and one of them calling out that he would do the same again, the magistrate, with what I must call a truly contemptible vindictiveness, said, 'You shall have another week's imprisonment for saying that.' The upshot of the whole case was that these men—two of them, mind you, town commissioners, respected public men in the confidence of their fellow citizens—were punished, not for concerting a riotous meeting, not for throwing stones, not for attacking the police, not for doing anything to alarm reasonable and courageous persons, but simply for waving their hats and caps in honor of Mr. Blunt."

Now, I say that is, unfortunately, a typical case. [Cries of "No!"] Yes, it is a typical case. If gentlemen who doubt that will take the trouble, as I have done, to read the reports from day to day of what goes on in these courts, if they will take the trouble to hear evidence that Englishmen, not partisan Irishmen, have seen administered in these courts, they will agree that this is a typical case, that men are treated violently, that they are then summoned for an offense which is not properly proved—[a cry of "No!"]—what I say I hope to show in a moment—and for acts which are not in themselves an offense or a crime.

Somebody protested when I used the word "prove." I will ask him, and I will ask the House, to listen to a little extract which I am going to read to show the kind of evidence which in these courts is thought good enough. It is the case of a certain Irish member, Mr. Sheehy, who was convicted, and this is a very short passage from the cross-examination of the shorthand writer. Mr. Sheehy was brought up for words spoken; it was vitally important to know what were the words spoken, for which he was about to have inflicted upon him a very severe punishment. This is, in a very few words, a passage from the cross-examination of the government reporter:—

> "'Did you ever study shorthand?'
>
> "'I did not. I might look over the book, but that is all. As far as I know, shorthand is not studied by any man in the barracks. There was no constable, to my knowledge, in Trench Park on the day of the meeting who knew shorthand. The meeting lasted from three o'clock till a quarter to five, and Mr. Sheehy was speaking the greater part of the time. When Mr. Sheehy spoke a sentence or a sentence and a half, I took down all I could remember at the time. I took no note of what he would be saying while I was taking down the two sentences which I remembered at the time. I consider Mr. Sheehy a slow speaker.'
>
> "'While you would be writing a sentence, how many sentences would he get ahead of you?'
>
> "'Well,' said the constable or reporter, 'he might get two or three.'
>
> "'Then when you would complete your sentence, would you skim over what he had said in the meantime and then catch him up again?'
>
> "'Yes, I would try and remember what he would say in the meantime.'
>
> "'When you say that you would try and remember, what do you mean?'
>
> "'I mean that when I heard a sentence or two I would take that down, and pay no attention to what he would say in the meantime.'"

How many gentlemen here must have been in English courts and heard the careful, austere, and impressive standards which the judges of those courts apply to evidence. I say, when you hear such evidence as that, do you not think you are listening to the proceedings of a court in a comic opera? Pray remark that in a charge of this kind a phrase or a qualification of a phrase may be of vital importance. It may make all the difference in the construction and the interpretation that the court would put upon a word spoken, and yet you see that the qualifying phrases and words might have been dropped out while the reporter was taking down the other sentences. It is a sheer caricature of evidence.

I must inflict one more story upon you—it is the last—because you must know it is no use using vague general words about coercion. Realize what coercion means. I ought to say that those words I have just read and that case was mentioned in the House of Commons. Those words were read out in the House of Commons. No answer was attempted to them by the government. I am not going to use any case which has not been challenged in the House of Commons.

Well, here is a case of a certain Patrick Corcoran. Patrick Corcoran is the foreman printer of the Cork "Examiner." He is therefore purely a mechanic. He was tried, his name being on the imprint of the newspaper, for publishing proceedings of the suppressed branches of the National League. On the hearing of the first summons the joint editor and manager came forward and said he alone was responsible for everything that appeared in the paper, and that Corcoran was a mere mechanic and had no power or control in any sense or degree over the matter published. Well, of course, as he had no control over the matter published, he could not have what the lawyers call that guilty mind which was necessary, according to the Act, for the commission of the offense; because the Act requires that this publication should be uttered with a view of promoting the objects of the incriminated association. Well, Corcoran, this mechanic, was sent to prison for a month. [Cries of "Shame!"]

Yes, and mark the point. Most of you know that if a sentence is for more than a month, then there is a right of appeal. Corcoran's counsel implored the Bench to add a week to the sentence so that there might be this right of appeal, or else to state a case for a superior court, which would have been the same thing. The magistrate refused even that. That is rather sharp; but that was not all. They took up another charge, in substance the same, for publishing reports of meeting number two, and on the footing of the second summons they gave Corcoran another month's imprisonment. I hope gentlemen see the point—that by this method of accumulated penalties they managed to give him a two months' sentence, and yet to deprive him of the right to appeal which he would have had from a single two months' sentence.

These are illustrations which I commend to the attention of gentlemen who oppose this resolution, because they are inevitable features in the system which is the alternative to the system advocated in the resolution. [Cries of "No, no!"]

Well, I will have one word to say about that in one moment. But I ask you, in the meantime: Can you wonder that under such circumstances as those of which I have given you three actual illustrations—that Irishmen do not respect the law and do not revere the tribunals where that law is administered?

Imagine how the existence of such a state of things would affect you who are Englishmen. Would you endure to be under exceptional repressive legislation of this kind so administered? I do not believe you would. Englishmen never have acquiesced in legislation and administration of that kind; they have fought against it from age to age, and Irishmen will rightly fight against it from age to age.

I listened with especial interest, and, if I may say so, with admiration to the speech of the gentleman who preceded me, in whom I am glad to recognize the germs of hereditary gifts; and, if it is not impertinent in me to say so, I hope he will continue to cultivate those remarkable gifts; and—forgive me for saying so—I hope he may one day use them in a better cause. The honorable gentleman struck the keynote. I accept that note. He said, "Think of the sons and daughters of Ireland."

Think of the sons and daughters of Ireland; it is for their sake as much as for our own, not more, but as much—it is for the sake of the sons and daughters of Ireland that I am and have been an advocate of giving Ireland responsibility and self-government. Can you wonder? Put yourselves in the place of the sons and daughters of Ireland. These transactions, of which I have given you a very inadequate specimen, fill their minds. They hear scarcely anything else in the speeches of their leaders and in the talk of those in whom they have confidence. They talk of these things when they meet at fairs, when they meet at chapel, when they meet at athletic sports. And they read scarcely anything else in the newspapers. And if they cannot read, then their children read these proceedings out to them.

Now think of a generation growing up in this demoralizing and poisoned atmosphere of defiance and suspicion and resentment, and think whether you are doing your duty; think how you are preparing for the growth of a generation in Ireland in whom the spirit of citizenship shall be wholesome and shall be strong. It is of no avail to tell me that a lawyer in his study has this or that objection to this or that section. What I see in Ireland is a population in whom you are doing your best to breed want of reverence for the law, distrust of the tribunals, and resentment against the British rule which fastens that yoke upon their necks.

When I said that the government were pursuing a policy of pure repression, somebody objected. I should like him to be kind enough to tell me what other dish there is on the ministerial table for Ireland, except repression. Let us go to the law and the testimony. We used to be told—I see old and respected friends of mine around me who are Liberal Unionists, and their party used to say that they would not assent to home rule, but that they would assent to an extension of local government in Ireland. [A cheer.]

I am glad to hear that cheer, but it is a very forlorn cry. I will ask you for a single instant to listen to the history of the promise of the extension of local government in Ireland. In 1842, forty-six long years ago, a commission reported in favor of amending the system of county government in Ireland. A bill was brought in to carry out that recommendation in 1849. It was rejected. It was brought in in 1853, and it was rejected; again in 1856 it was rejected; again another in 1857, which also was rejected.

Then there was a pause in the process of rejection until 1868, when a Parliament and the government of the day resorted to the soothing and comforting plan of appointing a select committee. That, just like the previous commission, issued a copious and an admirable report, but nothing more was done. In 1875 a bill was brought in for county reform in Ireland, and in 1879 another bill was brought in which did not touch the evils that called for remedy.

In 1881, in the time of the Gladstone administration, and at a time when Ireland, remember, was in a thousand times worse condition than the most sinister narrator can say she is now, the queen in her speech was made to say that a bill for the extension of local government of Ireland would be brought in; nothing was done.

In 1886 the distinguished man whom you had here last week, himself said—I heard him say it one afternoon—he made this promise in the name of the government of which he was a leading and an important member—that it was the firm intention of the government to bring in a measure with a view of placing all control of local government in Ireland in the hands of the Irish people.

Some of you cry, "Hear, hear," but that is all gone. Listen to what Lord Hartington, the master of the government, has since said. The noble lord has said that no scheme for the extension of local government in Ireland can be entertained until there has been a definite repudiation of nationality by the Irish people. I do not want to press that too far, but at all events you will agree with me that it postpones the extension of local government in Ireland to a tolerably remote day.

Do not let Liberal Unionists deceive themselves by the belief that there is going to be a moderate extension of local government for Ireland. Do not let them retain any such illusion. Proposals for local government will follow these royal commissions, committees, bills, motions, into limbo, and we shall hear no more of extension of local government. This is only one illustration among many others, which, taken together, amount to a demonstration of the unfitness and incompetence of our imperial Parliament for dealing with the political needs, the admitted and avowed political needs, of Ireland.

One speaker said something about fisheries. There was a select committee appointed in 1884, and there was another royal commission reporting a few weeks ago, but I am not sanguine enough to think that more will be done in consequence of the recommendations of that commission than has been done in consequence of the recommendation of others.

Again, there are the Irish railways. I was wrong, by the way, that a royal commission was on fisheries—it was on Irish industries generally, fisheries included. On the question of railways there was a royal commission in 1867, and a small committee was appointed in 1868. There were copious and admirable reports. There is another copious and admirable report laid on the table of the House of Commons this week. Nothing has been done, and I do not believe anything will be done. That is another field in which Ireland abounds in requirements and necessities, and which the British Parliament has not the power, knowledge, or inclinanation to deal with or to touch.

One gentleman who spoke to-night with great ability—and if people think these things I do not know why they should not be said—reproduced to my regret the old talk about the Hottentots. I confess this is the most painful part of the present controversy—that there should be men (I am sure he is one of them) of generous minds, of public spirit and patriotism, who talk, and sincerely talk of union, and the incorporation of Ireland with Britain, and yet think that this kind of language, and what is far more, this kind of feeling, is a way likely to produce incorporation and union.

I have seen a good deal of Irishmen. I saw a great, a tremendous crowd of Irishmen the other day on their own soil. They comported themselves,—many tens and scores of thousands of them,—comported themselves with a good humor, a perfect order, a temper generally of which any capital in Europe—London, Paris, Berlin, or Vienna—might have been proud. I think you can do something better with such a people than alienate them by calling them and by thinking of them as Hottentots, or as in any way inferior to ourselves. That is not the way to have union and incorporation. That is not the way to make the empire stronger.

And I apply the same to the language that is used about the Irish members. I am not prepared to defend all that the Irish members have said and done. No, and I am not prepared to defend all that English members have done. But I ask here, as I asked in Dublin, is there to be no amnesty? Is there never to be an act of oblivion? These men, after all, have forced upon the British legislature, and have extorted from the British legislature, laws for the benefit of their own down-trodden and oppressed people. Those laws were either right or wrong. If they were wrong, the British legislature ought not to have passed them. If they were right, you ought to be very much obliged to the Irish members for awakening your sense of equity and of right.

I return again—I am going to conclude in a moment—I return again to the point. You have the future in your hands, because what has been said is true; the future depends upon the opinions of the men between twenty and thirty, which, I take it, is the average of the audience I have the honor of addressing. What is the condition of Ireland?

Here, too, I will repeat what I said in Dublin. In Ireland you have a beggared gentry; a bewildered peasantry; a random and harsh and aimless system of government; a population fevered by political power and not sobered by political responsibility. This is what you have to deal with; and I say here, with a full sense of important responsibility, that rather than go on in face of that distracted picture, with the present hard, incoherent, cruel system of government in Ireland, rather than do that, I would assent to the proposal that has been made, if that were the only alternative, by a great representative of the Unionist party, by Lord Grey.

And what does Lord Grey suggest? Lord Grey suggests that the lord-lieutenant should be appointed for ten years, and during those ten years—it is a strong order—during those ten years he is to make what laws he thinks fit without responsibility either to ministers or to Parliament. It is a strong order, but I declare—and I believe that Mr. Parnell has said that he agrees—that I would rather see Ireland made a crown colony to-morrow than go on in the present hypocritical and inefficient system of sham representation. You may then have the severity of paternal repression, but you will have the beneficence of paternal solicitude and supervision. What you now have is repression and neglect; and repression and neglect you will have until you call the Irish leaders into council and give to the majority of the Irish people that power in reality which now they have only in name.

One minute more and I will sit down.

The resolution raises very fairly the great issue that now divides and engages all serious minds in this country—the issue which has broken up a great political party, which has tried and tested more than one splendid reputation, and in which the Liberal party have embarked all their hopes and fortunes as resolutely and as ungrudgingly as their forefathers did in the case of Catholic emancipation. The opponents of this resolution ought to have told us, what no opponent to-night did tell us—for I listened very carefully—they ought to have told us what it is they mean. Merely to vote a blank and naked negative to this resolution? It is not enough, it cannot be all, merely to say "No" to this resolution. You are not going through the familiar process of rejecting an academic motion or an abstract proposition.

In refusing this proposition you are adopting an amendment. I have taken the liberty to draft a Unionist amendment. I will gladly place it in the hands of any Unionist member who may think it expedient to move it. This is the alternative amendment to the resolution of the honorable mover.

> "That, inasmuch as coercion, after being tried in every form and under all varieties, has failed to bring to Ireland that order and content we all earnestly desire, coercion shall be made the permament law of the land; That, as perfect equality between England and Ireland is the key to a sound policy, coercion shall be the law in Ireland and shall not be the law in England; That, as decentralization and local goverment have been long recognized and constantly promised as a necessary reform in Irish affairs, the time has at length arrived for definitely abandoning all reform in Irish local government; That, since the backward condition, and the many admitted needs of Ireland urgently call for the earnest and unremitting attention of her rulers, the exclusive attention of this Parliament shall be devoted to the consideration of English, Scotch, and Welsh affairs; That, in view of the fact that representative institutions are the glory and strength of the United Kingdom, the constitutional demands of the great majority of the Irish representatives shall be disregarded, and these representatives shall have no voice in Irish affairs and no share in Irish government; and, finally, That, as Mr. Pitt declared the great object of the union to be to make the empire

more secure by making Ireland more free and more happy, it is the duty of every true Unionist to make Ireland more miserable in order to prevent her from being free."

That, sir, is the amendment which you are, I fear, presently going to vote. [Cries of "No!"] Yes, you are. That is what you are going to vote, and I have failed in the speech which you have most kindly and indulgently listened to, if you do not see that that amendment, with its stream of paradoxes and incoherencies, represents the Unionist policy. That is a policy which judgment condemns and which conscience forbids.

DANIEL O'CONNELL

ON CATHOLIC RIGHTS

[Daniel O'Connell, an Irish orator and agitator, was born in County Kerry in 1775. He was educated by Roman Catholic teachers, became a barrister, and was drawn into public life by the agitation preceding and consequent upon the legislative union of England and his own country. This union he warmly assailed. His opposition was also aroused by the political disabilities of Roman Catholics in Ireland. A number of organizations were formed for the purpose of having such disabilities removed. An agitation within constitutional limits gradually spread over Ireland, which O'Connell directed and which attained proportions too great for the English government to cope with. The Catholic emancipation bill was passed, and O'Connell was enabled to take the seat in the House of Commons to which he had been elected, but which he could not previously hold on account of his religion. From this time O'Connell devoted his abilities to rent reform, the repeal of the act of union, and to the suppression of lawless tendencies among his followers. Notwithstanding the opposition of some Irish extremists, he retained his hold over his countrymen almost until his death, in 1846. The zeal he exhibited in pleading for Catholic rights is shown in the following speech, made in the Irish House of Commons, in 1814.]

I WISH to submit to the meeting a resolution calling on the different counties and cities in Ireland to petition for unqualified emancipation. It is a resolution which has been already and frequently adopted—when we had persevered in our petitions, even at periods when we despaired of success—and it becomes a pleasing duty to present them, now that the symptoms of the times seem so powerfully to promise an approaching relief.

Indeed, as long as truth or justice could be supposed to influence man, as long as man was admitted to be under the control of reason, so long must it be prudent and wise to procure discussions on the sufferings and the rights of the people of Ireland. Truth proclaimed the treacherous iniquity which had deprived us of our chartered liberty; truth destroyed the flimsy pretext under which this iniquity is continued; truth exposed our merits and our sufferings; whilst reason and justice combined to demonstrate our right—the right of every human being to freedom of conscience—a right without which every honest man must feel that to him, individually, the protection of government is a mockery and the restriction of penal law a sacrilege.

Truth, reason, and justice are our advocates, and even in England let me tell you that those powerful advocates have some authority. They are, it is true, more frequently resisted there than in most other countries, but yet they have some sway among the English at all times. Passion may confound and prejudice darken the English understanding, and interested passion and hired prejudice have been successfully employed against us at former periods, but the present season appears singularly well calculated to aid the progress of our cause and to advance the attainment of our important objects.

I do not make the assertion lightly. I speak, after deliberate investigation and from solemn conviction, my clear opinion that we shall, during the present session of Parliament, obtain a portion at least, if not the entire, of our emancipation. We cannot fail unless we are disturbed in our course by those who graciously style themselves our friends or are betrayed by the treacherous machinations of part of our own body.

Yes, everything, except false friendship and domestic treachery, forebodes success. The cause of man is in its great advance. Humanity has been rescued from much of its thraldom. In the states of Europe, where the iron despotism of the feudal system so long classed men into two species—the hereditary masters and the perpetual slaves; when rank supplied the place of merit, and to be humbly born operated as a perpetual exclusion—in many parts of Europe man is reassuming his natural station, and artificial distinctions have vanished before the force of truth and the necessities of governors.

France has a representative government; and as the unjust privileges of the clergy and nobility are abolished; as she is blessed with a most wise, clear, and simple code of laws; as she is almost free from debt, and emancipated from odious prejudices, she is likely to prove an example and a light to the world.

In Germany, the sovereigns who formerly ruled at their free will and caprice are actually bribing the people to the support of their thrones, by giving them the blessings of liberty. It is a wise and a glorious policy. The prince regent has emancipated his Catholic subjects of Hanover, and traced for them the grand outlines of a free constitution. The other states of Germany are rapidly following the example. The people, no longer destined to bear the burdens only of society, are called up to take their share in the management of their own concerns, and in the sustentation of the public dignity and happiness. In short, representative government, the only rational or just government, is proclaimed by princes as a boon to their people, and Germany is about to afford many an example of the advantages of rational liberty. Anxious as some kings appear to be in the great work of plunder and robbery, others of them are now the first heralds of freedom.

It is a moment of glorious triumph to humanity; and even one instance of liberty, freely conceded, makes compensation for a thousand repetitions of the ordinary crimes of military monarchs. The crime is followed by its own punishment; but the great principle of the rights of man establishes itself now on the broadest basis, and France and Germany now set forth an example for England to imitate.

Italy, too, is in the paroxysms of the fever of independence. O may she have strength to go through the disease, and may she rise like a giant refreshed with wine! One thing is certain, that the human mind is set afloat in Italy. The flame of freedom burns; it may be smothered for a season; but all the whiskered Croats and the fierce Pandours of Austria will not be able to extinguish the sacred fire. Spain, to be sure, chills the heart and disgusts the understanding. The combined Inquisition and the court press upon the mind, whilst they bind the body in fetters of adamant. But this despotism is, thank God, as unrelentingly absurd as it is cruel, and there arises a darling hope out of the very excess of the evil. The Spaniards must be walking corpses—they must be living ghosts, and not human beings, unless a sublime reaction be in rapid preparation. But let us turn to our own prospects.

The cause of liberty has made, and is making, great progress in states heretofore despotic. In all the countries in Europe, in which any portion of freedom prevails, the liberty of conscience is complete. England alone, of all the states pretending to be free, leaves shackles upon the human mind. England alone, amongst free states, exhibits the absurd claim of regulating belief by law, and forcing opinion by statute. Is it possible to conceive that this gross, this glaring, this iniquitous absurdity can continue? Is it possible, too, to conceive that it can continue to operate, not against a small and powerless sect, but against the millions, comprising the best strength, the most affluent energy of the empire? —a strength and an energy daily increasing, and hourly appreciating their own importance. The present system, disavowed by liberalized Europe, disclaimed by sound reason, abhorred by genuine religion, must soon and forever be abolished.

Let it not be said that the princes of the continent were forced by necessity to give privileges to their subjects, and that England has escaped from a similar fate. I admit that the necessity of procuring the support of the people was the mainspring of royal patriotism on the continent; but I totally deny that the ministers of England can dispense with a similar support. The burdens of the war are permanent; the distresses occasioned by the peace are pressing; the financial system is tottering, and to be supported in profound peace only by a war taxation. In the meantime, the resources of corruption are mightily diminished. Ministerial influence is necessarily diminished by one half of the effective force of indirect bribery; full two thirds must be disbanded. Peculation and corruption must be put upon half-pay, and no allowances. The ministry lose not only all those active partisans, those outrageous loyalists, who fattened on the public plunder during the seasons of immense expenditure; but those very men will themselves swell the ranks of the malcontents, and probably be the most violent in their opposition. They have no sweet consciousness to reward them in their present privations; and therefore they are likely to exhaust the bitterness of their souls on their late employers. Every cause conspires to render this the period in which the ministry should have least inclination, least interest, least power, to oppose the restoration of our rights and liberties.

I speak not from mere theory. There exist at this moment practical illustrations of the truth of my assertions. Instances have occurred which demonstrate as well the inability of the ministry to resist the popular voice as the utility of reëchoing that voice, until it is heard and understood in all its strength and force. The ministers had determined to continue the property tax; they announced that determination to their partisans at Liverpool and in Bristol. Well, the people of England met; they petitioned; they repeated—they reiterated their petitions, until the ministry felt they could no longer resist; and they ungraciously but totally abandoned their determination; and the property tax now expires.

Another instance is also now before us. It relates to the corn laws. The success of the repetition of petitions in that instance is the more remarkable, because such success has been obtained in defiance of the first principles of political economy, and in violation of the plainest rules of political justice.

This is not the place to discuss the merits of the corn laws; but I cannot avoid, as the subject lies in my way, to put upon public record my conviction of the inutility as well as the impropriety of the proposed measure respecting those laws. I expect that it will be believed in Ireland that I would not volunteer thus an opposition of sentiment to any measure, if I was not most disinterestedly, and in my conscience convinced, that such measure would not be of any substantial or permanent utility to Ireland.

As far as I am personally concerned, my interest plainly is to keep up the price of lands; but I am quite convinced that the measure in question will have an effect permanently and fatally injurious to Ireland. The clamor respecting the corn laws has been fomented by parsons who were afraid that they would not get money enough for their tithes, and absentee landlords, who apprehended a diminution of their rack rents; and if you observed the names of those who have taken an active part in favor of the measure, you will find amongst them many, if not all, the persons who have most distinguished themselves against the liberty and religion of the people. There have been, I know, many good men misled, and many clever men deceived, on this subject; but the great majority are of the class of oppressors.

There was formed, some time ago, an association of a singular nature in Dublin and the adjacent counties. Mr. Luke White was, as I remember, at the head of it. It contained some of our stoutest and most stubborn seceders; it published the causes of its institution; it recited that, whereas butcher's meat was dearer in Cork, and in Limerick, and in Belfast than in Dublin, it was therefore expedient to associate, in order that the people of Dublin should not eat meat too cheap. Large sums were subscribed to carry the patriotic design into effect, but public indignation broke up the ostensible confederacy; it was too plain and too glaring to bear public inspection. The indignant sense of the people of Dublin forced them to dissolve their open association; and if the present enormous increase of the price of meat in Dublin beyond the rest of Ireland be the result of secret combination of any individuals, there is at least this comfort, that they do not presume to beard the public with the open avowal of their design to increase the difficulties of the poor in procuring food.

Such a scheme as that, with respect to meat in Dublin—such a scheme, precisely, is the sought-for corn law. The only difference consists in the extent of the operation of both plans. The corn plan is only more extensive, not more unjust in principle, but it is more unreasonable in its operation because its necessary tendency must be to destroy that very market of which it seeks the exclusive possession. The corn law men want, they say, to have the exclusive feeding of the manufacturers; but at present our manufacturers, loaded as they are with taxation, are scarcely able to meet the goods of foreigners in the markets of the world. The English are already undersold in foreign markets; but if to this dearness produced by taxation there shall be added the dearness produced by dear food, is it not plain that it will be impossible to enter into a competition with foreign manufacturers, who have no taxes and cheap bread? Thus the corn laws will destroy our manufacturers and compel our manufacturers to emigrate, in spite of penalties; and the corn law supporters will have injured themselves and destroyed others.

I beg pardon for dwelling on this subject. If I were at liberty to pursue it here, I would not leave it until I had satisfied every dispassionate man that the proposed measure is both useless and unjust; but this is not the place for doing so, and I only beg to record at least the honest dictates of my judgment on this interesting topic. My argument, of the efficacy of petitioning, is strengthened by the impolicy of the measure in question; because, if petitions, by their number and perseverance, succeed in establishing a proposition impolitic in principle, and oppressive to thousands in operation, what encouragement does it not afford to us to repeat our petitions for that which has justice for its basis, and policy as its support?

The great advantages of discussion being thus apparent, the efficacy of repeating, and repeating, and repeating again our petitions being thus demonstrated by notorious facts, the Catholics of Ireland must be sunk in criminal apathy if they neglect the use of an instrument so efficacious for their emancipation.

There is further encouragement at this particular crisis. Dissension has ceased in the Catholic body. Those who paralysed our efforts, and gave our conduct the appearance and reality of weakness, and wavering, and inconsistency, have all retired. Those who were ready to place the entire of the Catholic feelings and dignity, and some of the Catholic religion too, under the feet of every man who pleased to call himself our friend, and to prove himself our friend by praising on every occasion, and upon no occasion, the oppressors of the Catholics, and by abusing the Catholics themselves; the men who would link the Catholic cause to this patron and to that, and sacrifice it at one time to the minister, and at another to the opposition, and make it this day the tool of one party, and the next the instrument of another party; the men, in fine, who hoped to traffic upon our country and our religion—who would buy honors, and titles, and places, and pensions, at the price of the purity, and dignity, and safety of the Catholic church in Ireland; all those men have, thank God, quitted us, I hope, forever. They have returned into silence and secession, or have frankly or covertly gone over to our enemies. I regret deeply and bitterly that they have carried with them some few who, like my Lord Fingal, entertain no other motives than those of purity and integrity, and who, like that noble lord, are merely mistaken.

But I rejoice at this separation—I rejoice that they have left the single-hearted, and the disinterested, and the indefatigable, and the independent, and the numerous, and the sincere Catholics to work out their emancipation unclogged, unshackled, and undismayed. They have bestowed on us another bounty also—they have proclaimed the causes of their secession—they have placed out of doubt the cause of the divisions. It is not intemperance, for that we abandoned; it is not the introduction of extraneous topics, for those we disclaimed; it is simply and purely, veto or no veto—restriction or no restriction—no other words; it is religion and principle that have divided us; thanks, many thanks to the tardy and remote candor of the seceders, that has at length written in large letters the cause of their secession—it is the Catholic church of Ireland—it is whether that church shall continue independent of a Protestant ministry or not. We are for its independence—the seceders are for its dependence.

Whatever shall be the fate of our emancipation question, thank God we are divided forever from those who would wish that our church should crouch to the partisans of the Orange system. Thank God, secession has displayed its cloven foot, and avowed itself to be synonymous with vetoism.

Those are our present prospects of success. First, man is elevated from slavery almost everywhere, and human nature has become more dignified, and, I may say, more valuable. Secondly, England wants our cordial support, and knows that she has only to concede to us justice in order to obtain our affectionate assistance. Thirdly, this is the season of successful petition, and the very fashion of the times entitles our petition to succeed. Fourthly, the Catholic cause is disencumbered of hollow friends and interested speculators. Add to all these the native and inherent strength of the principle of religious freedom and the inert and accumulating weight of our wealth, our religion, and our numbers, and where is the sluggard that shall dare to doubt our approaching success?

Besides, even our enemies must concede to us that we act from principle, and from principle only. We prove our sincerity when we refuse to make our emancipation a subject of traffic and barter, and ask for relief only upon those grounds which, if once established, would give to every other sect the right to the same political immunity. All we ask is "a clear stage and no favor." We think the Catholic religion the most rationally consistent with the divine scheme of Christianity, and, therefore, all we ask is that everybody should be left to his unbiased reason and judgment. If Protestants are equally sincere, why do they call the law, and the bribe, and the place, and the pension, in support of their doctrines? Why do they fortify themselves behind pains, and penalties, and exclusions, and forfeitures? Ought not our opponents to feel that they degrade the sanctity of their religion when they call in the profane aid of temporal rewards and punishments, and that they proclaim the superiority of our creed when they thus admit themselves unable to contend against it upon terms of equality, and by the weapons of reason and argument, and persevere in refusing us all we ask—"a clear stage and no favor."

Yes, Mr. Chairman, our enemies, in words and by actions, admit and proclaim our superiority. It remains to our friends alone, and to that misguided and ill-advised portion of the Catholics who have shrunk into secession—it remains for those friends and seceders alone to undervalue our exertions, and underrate our conscientious opinions.

Great and good God! in what a cruel situation are the Catholics of Ireland placed! If they have the manliness to talk of their oppressors as the paltry bigots deserve—if they have the honesty to express, even in measured language, a small portion of the sentiments of abhorrence which peculating bigotry ought naturally to inspire—if they condemn the principle which established the Inquisition in Spain and Orange lodges in Ireland, they are assailed by the combined clamor of those parliamentary friends and title-seeking, place-hunting seceders. The war-whoop of "intemperance" is sounded, and a persecution is instituted by our advocates and our seceders—against the Catholic who dares to be honest, and fearless, and independent!

But I tell you what they easily forgive—nay, what our friends, sweet souls, would vindicate to-morrow in Parliament, if the subject arose there. Here it is—here is the "Dublin Journal" of the twenty-first of February, printed just two days ago. In the administration of Lord Whitworth, and the secretaryship of Mr. Peel, there is a government newspaper—a paper supported solely by the money of the people; for its circulation is little, and its private advertisements less. Here is a paper continued in existence like a wounded reptile—only whilst in the rays of the sun, by the heat and warmth communicated to it by the Irish administration. Let me read two passages for you. The first calls "Popery the deadly enemy of pure religion and rational liberty." Such is the temperate description the writer gives of the Catholic faith. With respect to purity of religion I shall not quarrel with him. I differ with him only in point of taste; but I should be glad to know what this creature calls rational liberty. I suppose such as existed at Lacedæmon—the dominion of Spartans over Helots—the despotism of masters over slaves, that is his rational liberty. We will readily pass so much by. But attend to this:—

"I will," says this moderate and temperate gentleman, "lay before the reader such specimens of the popish superstition as will convince him that the treasonable combinations cemented by oaths, and the nocturnal robbery and assassination which have prevailed for many years past in Ireland, and still exist in many parts of it, are produced as a necessary consequence by its intolerant and sanguinary principles."

Let our seceders—let our gentle friends who are shocked at our intemperance, and are alive to the mild and conciliating virtues of Mr. Peel—read this passage, sanctioned I may almost say, certainly countenanced by those who do the work of governing Ireland. Would to God we had but one genuine, unsophisticated friend, one real advocate in the

House of Commons! How such a man would pour down indignation on the clerks of the castle, who pay for this base and vile defamation of our religion—of the religion of nine tenths of the population of Ireland!

But perhaps I accuse falsely; perhaps the administration of Ireland are guiltless of patronizing these calumnies. Look at the paper and determine; it contains nearly five columns of advertisements—only one from a private person—and even that is a notice of an anti-Popery pamphlet, by a Mr. Cousins, a curate of the Established Church. Dean Swift has somewhere observed that the poorest of all possible rats was a curate [much laughing]; and if this rat be so, if we have, as usual, a large family, a great appetite, and little to eat, I sincerely hope that he may get what he wants—a fat living. Indeed, for the sake of consistency, and to keep up the succession of bad pamphlets, he ought to get a living.

Well, what think you are the rest of the advertisements? First, there are three from the worthy Commissioners of Wide Streets; one dated the sixth of August, 1813, announcing that they would, the ensuing Wednesday, receive certain proposals. Secondly, the Barony of Middlethird is proclaimed, as of the sixth of September last, for fear the inhabitants of that barony should not as yet know they were proclaimed. Thirdly, the proclamation against the Catholic Board, dated only the third day of June last, is printed lest any person should forget the history of last year. Fourthly, there is proclamation stating that gunpowder was not to be carried coastwise for six months, and this is dated the fifth of October last. But why should I detain you with the details of state proclamations, printed for no other purpose than as an excuse for putting so much of the public money into the pocket of a calumniator of the Catholics. The abstract of the rest is that there is one other proclamation, stating that Liverpool is a port fit for importation from the East Indies; another forbidding British subjects from serving in the American forces during the present, that is, the past war; and another stating that although we had made peace with France, we are still at war with America, and that, therefore, no marine is to desert; and to finish the climax, there is a column and a half of extracts from several statutes:

all this printed at the expense of government—that is, at the expense of the people.

Look now at the species of services for which so enormous a sum of our money is thus wantonly lavished! It consists simply of calumnies against the Catholic religion—calumnies so virulently atrocious as, in despite of the intention of the authors, to render themselves ridiculous. This hireling accuses our religion of being an enemy to liberty, of being an encourager of treason, of instigating to robbery, and producing a system of assassination. Here are libels for which no prosecution is instituted. Here are libels which are considered worthy of encouragement, and which are rewarded by the Irish treasury. And is it for this—is it to supply this waste, this abuse of public money—is it to pay for those false and foul calumnies, that we are, in a season of universal peace, to be borne down with a war taxation? Are we to have two or three additional millions of taxes imposed upon us in peace, in order that this intestine war of atrocious calumny may be carried on against the religion of the people of Ireland with all the vigor of full pay and great plunder. Let us, agitators, be now taunted by jobbers in Parliament with our violence, our intemperance. Why, if we were not rendered patient by the aid of a dignified contempt, is there not matter enough to disgust and to irritate almost beyond endurance?

Thus are we treated by our friends, and our enemies, and our seceders; the first abandon, the second oppress, the third betray us, and they all join in calumniating us; in the last they are all combined. See how naturally they associate—this libeller in the "Dublin Journal," who calls the Catholic religion a system of assassination, actually praises in the same paper some individual Catholics; he praises, by name, Quarantotti, and my Lord Fingal [much laughing], and the respectable party (those are his words) who join with that noble lord.

Of Lord Fingal I shall always speak with respect, because I entertain the opinion that his motives are pure and honorable; but can anything, or at least ought anything, place his secession in so strong a point of view to the noble lord himself as to find that he and his party are praised by the very man who, in the next breath, treats his religion as a system of assassination? Let that party have all the enjoyment which such praises can confer; but if a spark of love for their religion or their country remains with them, let them recollect that they could have earned those praises only by having, in the opinion of this writer, betrayed the one and degraded the other.

This writer, too, attempts to traduce Lord Donoughmore. He attacks his lordship in bad English, and worse Latin, for having, as he says, cried peccavi to Popish thraldom. But the ignorant trader in virulence knew not how to spell that single Latin word, because they do not teach Latin at the charter schools.

I close with conjuring the Catholics to persevere in their present course.

Let us never tolerate the slightest inroad on the discipline of our ancient, our holy Church. Let us never consent that she should be made the hireling of the ministry. Our forefathers would have died, nay, they perished in hopeless slavery, rather than consent to such degradation.

Let us rest upon the barrier where they expired, or go back into slavery rather than forward into irreligion and disgrace! Let us also advocate our cause on the two great principles—first, that of an eternal separation in spirituals between our Church and the state; secondly, that of the eternal right to freedom of conscience—a right which, I repeat it with pride and pleasure, would exterminate the Inquisition in Spain and bury in oblivion the bloody Orange flag of dissension in Ireland!

JUSTICE FOR IRELAND

It appears to me impossible to suppose that the House will consider me presumptuous in wishing to be heard for a short time on this question, especially after the distinct manner in which I have been alluded to in the course of the debate. If I had no other excuse, that would be sufficient; but I do not want it; I have another and a better—the question is one in the highest degree interesting to the people of Ireland. It is, whether we mean to do justice to that country—whether we mean to continue the injustice which has been already done to it, or to hold out the hope that it will be treated in the same manner as England and Scotland. That is the question. We know what "lip service" is; we do not want that. There are some men who will even declare that they are willing to refuse justice to Ireland; while there are others who, though they are ashamed to say so, are ready to consummate the iniquity, and they do so.

England never did do justice to Ireland—she never did. What we have got of it we have extorted from men opposed to us on principle—against which principle they have made us such concessions as we have obtained from them. The right honorable baronet opposite [Sir Robert Peel] says he does not distinctly understand what is meant by a principle. I believe him. He advocated religious exclusion on religious motives; he yielded that point at length, when we were strong enough to make it prudent for him to do so.

Here am I calling for justice to Ireland; but there is a coalition to-night—not a base unprincipled one—God forbid!—it is an extremely natural one; I mean that between the right honorable baronet and the noble lord the member for North Lancashire [Lord Stanley]. It is a natural coalition, and it is impromptu; for the noble lord informs us he had not even a notion of taking the part he has until the moment at which he seated himself where he now is. I know his candor; he told us it was a sudden inspiration which induced him to take part against Ireland. I believe it with the most potent faith, because I know that he requires no preparation for voting against the interests of the Irish people. [Groans.] I thank you for that groan—it is just of a piece with the rest. I regret much that I have been thrown upon arguing this particular question, because I should have liked to have dwelt upon the speech which has been so graciously delivered from the throne to-day—to have gone into its details, and to have pointed out the many great and beneficial alterations and amendments in our existing institutions which it hints at and recommends to the House. The speech of last year was full of reforms in words, and in words only; but this speech contains the great leading features of all the salutary reforms the country wants; and if they are worked out fairly and honestly in detail, I am convinced the country will require no further amelioration of its institutions, and that it will become the envy and admiration of the world. I, therefore, hail the speech with great satisfaction.

It has been observed that the object of a king's speech is to say as little in as many words as possible; but this speech contains more things than words—it contains those great principles which, adopted in practice, will be most salutary not only to the British Empire, but to the world. When speaking of our foreign policy, it rejoices in the coöperation between France and this country; but it abstains from conveying any ministerial approbation of alterations in the domestic laws of that country which aim at the suppression of public liberty, and the checking of public discussion, such as call for individual reprobation, and which I reprobate as much as any one. I should like to know whether there is a statesman in the country who will get up in this House and avow his approval of such proceedings on the part of the French government. I know it may be done out of the House amid the cheers of an assembly of friends; but the government have, in my opinion, wisely abstained from reprobating such measures in the speech, while they have properly exulted in such a union of the two countries as will contribute to the national independence and the public liberty of Europe.

Years are coming over me, but my heart is as young and as ready as ever in the service of my country, of which I glory in being the pensionary and the hired advocate. I stand in a situation in which no man ever stood yet—the faithful friend of my country—its servant—its slave, if you will—I speak its sentiments by turns to you and to itself. I require no £20,000,000 on behalf of Ireland—I ask you only for justice: will you—can you—I will not say dare you refuse, because that would make you turn the other way. I implore you, as English gentlemen, to take this matter into consideration now, because you never had such an opportunity of conciliating. Experience makes fools wise; you are not fools, but you have yet to be convinced. I cannot forget the year 1825. We begged then as we would for a beggar's boon; we asked for emancipation by all that is sacred amongst us, and I remember how my speech and person were treated on the Treasury Bench, when I had no opportunity of reply. The other place turned us out and sent us back again, but we showed that justice was with us. The noble lord says the other place has declared the same sentiments with himself; but he could not use a worse argument. It is the very reason why we should acquiesce in the measure of reform, for we have no hope from that House—all our hopes are centered in this; and I am the living representative of those hopes. I have no other reason for adhering to the ministry than because they, the chosen representatives of the people of England, are anxiously determined to give the same measure of reform to Ireland as that which England has received. I have not fatigued myself, but the House, in coming forward upon this occasion. I may be laughed and sneered at by those who talk of my power; but what has created it but the injustice that has been done in Ireland? That is the end and the means of the magic, if you please—the groundwork of my influence in Ireland. If you refuse justice to that country, it is a melancholy consideration to me to think that you are adding substantially to that power and influence, while you are wounding my country to its very heart's core; weakening that throne, the monarch who sits upon which, you say you respect; severing that union which, you say, is bound together by the tightest links, and withholding that justice from Ireland which she will not cease to seek till it is obtained; every man must admit that the course I am taking is the legitimate and proper course—I defy any man to say it is not. Condemn me elsewhere as much as you please, but this you must admit. You may taunt the ministry with having coalesced me, you may raise the vulgar cry of "Irishman and Papist" against me, you may send out men called ministers of God to slander and calumniate me; they may assume whatever garb they please, but the question comes into this narrow compass. I demand, I respectfully insist on equal justice for Ireland, on the same principle by which it has been administered to Scotland and England. I will not take less. Refuse me that if you can.

JAMES OTIS

THE WRITS OF ASSISTANCE

[James Otis, an American revolutionary patriot, whose speeches made him conspicuous in Massachusetts and throughout the colonies, was born in that Puritan commonwealth in 1725. He graduated at Harvard and became a lawyer. He was appointed to office under the royalist government, but being unable to coöperate in its measures against the liberties of his country, he retired and was elected to the legislature and later to the Stamp Act Congress. His burning speeches had a magic effect upon the public mind and placed him at the head of the patriot movement in Boston for a time. In a fray with a British government agent he received a blow in the head that mentally unbalanced him. He took part in the battle of Bunker Hill, however. His death, in 1783, was due to a stroke of lightning. In 1761, being convinced of the illegality of the writs of assistance received by persons carrying on trade from executives of the colony, he made the following speech in the Superior Court of Massachusetts.]

I WAS desired by one of the court to look into the books and consider the question now before them concerning "Writs of Assistance." I have accordingly considered it, and now appear not only in obedience to your order, but likewise in behalf of the inhabitants of this town who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare that whether under a fee or not (for in such a cause as this I despise a fee), I will to my dying day oppose with all the powers and faculties God has given me all such instruments of slavery on the one hand and villainy on the other as this writ of assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law book. I must therefore beg your honors' patience and attention to the whole range of an argument that may perhaps appear uncommon in many things, as well as to points of learning that are more remote and unusual, that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as advocate-general, and because I would not I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office and I argue this cause from the same principle; and I argue it with the greater pleasure, as it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown, and as it is in opposition to a kind of power, the exercise of which in former periods of history cost one king of England his head and another his throne. I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause has raised much resentment. But I think I can sincerely declare that I cheerfully submit myself to every odious name for conscience' sake, and from my soul I despise all those whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct that are worthy of a gentleman or a man are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country.

These manly sentiments in private life make the good citizen; in public life, the patriot and the hero. I do not say that when brought to the test I shall be invincible. I pray God I may never be brought to the melancholy trial, but if ever I should, it will be then known how far I can reduce to practice principles which I know to be founded in truth. In the meantime I will proceed to the subject of this writ.

Your honors will find in the old books concerning the office of a justice of the peace, precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed, and will find it adjudged that special warrants only are legal. In the same manner, I rely on it that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say I admit that special writs of assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted, for I beg leave to make some observations on the writ itself, before I proceed to other acts of Parliament. In the first place, the writ is universal, being directed "to all and singular justices, sheriffs, constables, and all other officers and subjects"; so that, in short, it is directed to every subject in the king's dominions. Every one with this writ may be a tyrant; if this commission be legal, a tyrant in a legal manner, also, may control, imprison, or murder any one within the realm. In the next place, it is perpetual, there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul. In the third place, a person with this writ, in the daytime, may enter all houses or shops, at will, and command all to assist him. Fourthly, by this writ, not only deputies, but even their menial servants, are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us; to be the servant of servants, the most despicable of God's creation? Now one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient. This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, "Yes." "Well, then," said Mr. Ware, "I will show you a little of my power. I command you to permit me to search your house for uncustomed goods;" and went on to search the house from the garret to the cellar; and then served the constable in the same manner! But to show another absurdity in this writ, if it should be established, I insist upon it every person—by the fourteenth Charles II.—has this power as well as the custom-house officers. The words are, "It shall be lawful for any person or persons authorized. . . ." What a scene does this open! Every man prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor's house, may get a writ of assistance. Others will ask it from self-defense; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.

[The rest of this famous speech, following the above exordium, is now extant only in the summary of John Adams under four headings, of which the exordium is the first.]

"A dissertation on the rights of man in a state of nature. He asserted that every man, merely natural, was an independent sovereign, subject to no law but the law written on his heart, and revealed to him by his Maker, in the constitution of his nature, and the inspiration of his understanding and his conscience. His right to his life, his liberty, no created being could rightfully contest. Nor was his right to his property less incontestable. The club that he had snapped from a tree, for a staff or for defence, was his own. His bow and arrow were his own; if by a pebble he had killed a partridge or a squirrel, it was his own. No creature, man or beast, had a right to take it from him. If he had taken an eel, or a smelt, or a sculpion, it was his property. In short, he sported upon this topic with so much wit and humor, and at the same time with so much indisputable truth and reason, that he was not less entertaining than instructive. He asserted that these rights were inherent and inalienable. That they never could be surrendered or alienated, but by idiots or madmen, and all the acts of idiots and lunatics were void, and not obligatory, by all the laws of God and man. Nor were the poor negroes forgotten. Not a Quaker in Philadelphia, or Mr. Jefferson in Virginia, ever asserted the rights of negroes in stronger terms. Young as I was, and ignorant as I was, I shuddered at the doctrine he taught; and I have all my life shuddered, and still shudder, at the consequences that may be drawn from such premises. Shall we say that the rights of masters and servants clash, and can be decided only by force? I adore the idea of gradual abolitions! but who shall decide how fast or how slowly these abolitions shall be made?

"From individual independence he proceeded to association. If it was inconsistent with the dignity of human nature to say that men were gregarious animals, like wild geese, it surely could offend no delicacy to say they were social animals by nature, that there were natural sympathies, and above all the sweet attraction of the sexes, which must soon draw them together in little groups, and by degrees in larger congregations, for mutual assistance and defense. And this must have happened before any formal covenant, by express words or signs, was concluded. When general councils and deliberations commenced, the objects could be no other than the mutual defense and security of every individual for his life, his liberty, and his property. To suppose them to have surrendered these in any other way than by equal rules and general consent, was to suppose them idiots or madmen whose acts were never binding. To suppose them surprised by fraud, or compelled by force into any other compact, such fraud and such force could confer no obligation. Every man had a right to trample it under foot whenever he pleased. In short, he asserted these rights to be derived only from nature and the author of nature; that they were inherent, inalienable, and indefeasible by any laws, pacts, contracts, covenants, or stipulations which man could devise.

"These principles and these rights were wrought into the English constitution as fundamental laws. And under this head he went back to the old Saxon laws and to Magna

Charta and the fifty confirmations of it in Parliament, and the executions ordained against the violators of it, and the national vengeance which had been taken on them from time to time, down to the Jameses and Charleses, and to the position of rights and the bill of rights and the revolution. He asserted that the security of these rights to life, liberty, and property had been the object of all those struggles against arbitrary power, temporal and spiritual, civil and political, military and ecclesiastical, in every age. He asserted that our ancestors, as British subjects, and we their descendants, as British subjects, were entitled to all those rights by the British constitution as well as by the law of nature, and our provincial character as much as any inhabitant of London or Bristol or any part of England, and were not to be cheated out of them by any phantom of 'virtual representation' or any other fiction of law or politics or any monkish trick of deceit and hypocrisy.

"He then examined the acts of trade, one by one, and demonstrated that if they were considered as revenue laws they destroyed all our security of property, liberty, and life, every right of nature and the English constitution, and the charter of the province. Here he considered the distinction between 'external and internal taxes,' at that time a popular and commonplace distinction. But he asserted that there was no such distinction in theory or upon any principle but 'necessity.' The necessity that the commerce of the empire should be under one direction was obvious. The Americans had been so sensible of this necessity that they had connived at the distinction between external and internal taxes, and had submitted to the acts of trade as regulations of commerce, but never as taxations or revenue laws. Nor had the British government till now ever dared to attempt to enforce them as taxations or revenue laws. The navigation act he allowed to be binding upon us because we had consented to it by our own legislature. Here he gave a history of the navigation act of the first of Charles II., a plagiarism from Oliver Cromwell. In 1675, after repeated letters and orders from the king, Governor Leverett very candidly informs his Majesty that the law had not been executed because it was thought unconstitutional, Parliament not having authority over us."

THOMAS PAINE

TO THE FRENCH NATIONAL CONVENTION

[Thomas Paine, a writer, who figured in two great revolutions, was born in England in 1737. His early education was not systematic, but he acquired a fund of knowledge by reading and reflection. Emigrating to America, he edited a newspaper in Philadelphia. Early in 1776 appeared his pamphlet "Common Sense," which urged the colonies to throw off their British allegiance. When Edmund Burke published a work severely condemning the French Revolution, Paine replied with "The Rights of Man," a book which induced the French to make its author a citizen of France and to elect him to the National Convention. This was in 1792. Paine accepted the seat and was very prominent in the debates, but he fell under Robespierre's displeasure and was thrown into prison. He was for a time in danger of being put to death. However, he was released, and published his "Age of Reason." He returned to America in 1802 and was cordially received by Jefferson. He settled in New York state and died in 1809.]

CITIZENS: The effects of a malignant fever with which I was afflicted during a rigorous confinement in the Luxembourg have thus long prevented me from attending at my post in the bosom of the convention, and the magnitude of the subject under discussion, and no other consideration on earth, could induce me now to repair to my station.

A recurrence to the vicissitudes I have experienced, and the critical situations in which I have been placed in consequence of the French Revolution, will throw upon what I now propose to submit to the convention the most unequivocal proofs of my integrity and the rectitude of those principles which have uniformly influenced my conduct.

In England I was proscribed for having vindicated the French Revolution, and I have suffered a rigorous imprisonment in France for having pursued a similar mode of conduct. During the reign of terrorism I was a close prisoner for eight long months, and remained so above three months after the era of the tenth Thermidor. I ought, however, to state that I was not persecuted by the people either of England or France. The proceedings in both countries were the effects of the despotism existing in their respective governments. But even if my persecution had originated in the people at large, my principles and conduct would still have remained the same. Principles which are influenced by and subject to the control of tyranny have not their foundation in the heart.

A few days ago I transmitted to you, by the ordinary mode of distribution, a short treatise entitled "Dissertation on the First Principles of Government." This little work I did intend to have dedicated to the people of Holland, who, about the time I began to write it, were determined to accomplish a revolution in their government, rather than to the people of France, who had long before effected that glorious object. But there are, in the Constitution which is about to be ratified by the convention, certain articles, and in the report which preceded it certain points, so repugnant to reason and incompatible with the true principles of liberty, as to render this treatise, drawn up for another purpose, applicable to the present occasion, and under this impression I presumed to submit it to your consideration.

If there be faults in the Constitution it were better to expunge them now than to abide the event of their mischievous tendency; for certain it is that the plan of the constitution which has been presented to you is not consistent with the grand object of the Revolution, nor congenial to the sentiments of the individuals who accomplished it.

To deprive half the people in a nation of their rights as citizens is an easy matter in theory or on paper, but it is a most dangerous experiment and rarely practicable in the execution.

I shall now proceed to the observations I have to offer on this important subject; and I pledge myself that they shall be neither numerous nor diffusive.

In my apprehension, a constitution embraces two distinct parts or objects, the principle and the practice; and it is not only an essential but an indispensable provision that the practice should emanate from and accord with the principle. Now I maintain that the converse of this proposition is the case in the plan of the Constitution under discussion. The first article, for instance, of the political state of citizens (*vide* Title II. of the constitution) says:—

> "Every man born and resident of France, who, being twenty-one years of age, has inscribed his name on the civic register of his canton, and who has lived afterward one year on the territory of the republic, and who pays any direct contribution whatsoever, real or personal, is a French citizen."

I might ask here, if those only who come under the above description are to be considered as citizens, what designation do you mean to give the rest of the people? I allude to that portion of the people on whom the principal part of the labor falls, and on whom the weight of indirect taxation will in the event chiefly press. In the structure of the social fabric, this class of people is infinitely superior to that privileged order whose only qualification is their wealth or territorial possessions. For what is trade without merchants? What is land without cultivation? And what is the produce of the land without manufactures? But to return to the subject.

In the first place, this article is incompatible with the three first articles of the declaration of rights, which precede the Constitution act.

The first article of the declaration of rights says:—

> "The end of society is the public good; and the institution of government is to secure to every individual the enjoyment of his rights."

But the article of the Constitution to which I have just adverted proposes as the object of society, not the public good, or in other words, the good of all, but a partial good, or the good only of a few; and the Constitution provides solely for the rights of this few to the exclusion of the many.

The second article of the declaration of rights says:—

> "The rights of man in society are liberty, equality, and security of his person and property."

But the article alluded to in the Constitution has a direct tendency to establish the converse of this position, inasmuch as the persons excluded by this inequality can neither be said to possess liberty nor security against oppression. They are consigned totally to the caprice and tyranny of the rest.

The third article of the declaration of rights says:—

> "Liberty consists in such acts of volition as are not injurious to others."

But the article of the Constitution on which I have observed breaks down this barrier. It enables the liberty of one part of society to destroy the freedom of the other.

Having thus pointed out the inconsistency of this article to the declaration of rights, I shall proceed to comment on that part of the same article which makes a direct contribution a necessary qualification to the right of citizenship.

A modern refinement on the object of public revenue has divided the taxes or contributions into two classes, the direct and the indirect, without being able to define precisely the distinction or difference between them, because the effect of both is the same.

Those are designated indirect taxes which fall upon the consumers of certain articles on which the tax is imposed, because, the tax being included in the price, the consumer pays it without taking notice of it.

The same observation is applicable to the territorial tax. The land proprietors, in order to reimburse themselves, will rack-rent their tenants; the farmer, of course, will transfer the obligation to the miller by enhancing the price of grain; the miller to the baker, by increasing the price of flour; and the baker to the consumer, by raising the price of bread. The territorial tax, therefore, though called direct, is in its consequences indirect.

To this tax the land proprietor contributes only in proportion to the quantity of bread and other provisions that are consumed in his own family. The deficit is furnished by the great mass of the community, which comprehends every individual of the nation.

From the logical distinction between the direct and indirect taxation, some emolument may result, I allow, to auditors of public accounts, etc., but to the people at large I deny that such a distinction (which by the way is without a difference) can be productive of any practical benefit. It ought not, therefore, to be admitted as a principle in the constitution.

Besides this objection, the provision in question does not affect to define, secure, or establish the right of citizenship. It consigns to the caprice or discretion of the legislature the power of pronouncing who shall, or shall not, exercise the functions of a citizen; and this may be done effectually, either by the imposition of a direct or indirect tax, according to the selfish views of the legislators, or by the mode of collecting the taxes so imposed.

Neither a tenant who occupies an extensive farm, nor a merchant or manufacturer who may have embarked a large capital in their respective pursuits, can ever, according to this system, attain the preëmption of a citizen. On the other hand, any upstart who has by succession or management got possession of a few acres of land, or a miserable tenement, may exultingly exercise the functions of a citizen, although he perhaps neither possesses a hundredth part of the worth of property of a simple mechanic, nor contributes in any proportion to the exigencies of the state.

The contempt in which the old government held mercantile pursuits, and the obloquy that attached to merchants and manufacturers, contributed not a little to its embarrassments and its eventual subversion; and, strange to tell, though the mischiefs arising from this mode of conduct are so obvious, yet an article is proposed for your adoption which has a manifest tendency to restore a defect inherent in the monarchy.

I shall now proceed to the second article of the same title, with which I shall conclude my remarks.

The second article says:—

"Every French soldier who shall have served one or more campaigns in the cause of liberty is deemed a citizen of the republic without any respect or reference to other qualifications."

It should seem that in this article the committee were desirous of extricating themselves from a dilemma into which they had been plunged by the preceding article. When men depart from an established principle they are compelled to resort to trick and subterfuge, always shifting their means to preserve the unity of their objects; and as it rarely happens that the first expedient makes amends for the prostitution of principle, they must call in aid a second of a more flagrant nature to supply the deficiency of the former. In this manner legislators go on accumulating error upon error, and artifice upon artifice, until the mass becomes so bulky and incongruous, and their embarrassment so desperate, that they are compelled, as their last expedient, to resort to the very principle they had violated. The committee were precisely in this predicament when they framed this article; and to me, I confess, their conduct appears specious rather than efficacious.

It was not for himself alone, but for his family, that the French citizen at the dawn of the Revolution (for then indeed every man was considered a citizen) marched soldier-like to the frontiers and repelled a foreign invasion. He had it not in his contemplation that he should enjoy liberty for the residue of his earthly career, and by his own act preclude his offspring from that inestimable blessing. No! He wished to leave it as an inheritance to his children, and that they also might hand it down to their latest posterity. If a Frenchman who united in his person the character of a soldier and a citizen was now to return from the army to his peaceful habitation, he must address his family in this manner: "Sorry I am that I cannot leave to you a small portion of what I have acquired by exposing my person to the ferocity of our enemies and defeating their machinations. I have helped to establish the republic, and, painful the reflection, all the laurels which I have won in the field are blasted, and all the privileges to which my exertions have entitled me extend not beyond the period of my own existence!" Thus the measure that has been adopted by way of subterfuge falls short of what the framers of it speculated upon; for in conciliating the affections of the soldier they have subjected the father to the most pungent sensations by obliging him to adopt a generation of slaves.

Citizens, a great deal has been urged respecting insurrections. I am confident that no man has a greater abhorrence of them than myself, and I am sorry that any insinuations should have been thrown out against me as a promoter of violence of any kind. The whole tenor of my life and conversation gives the lie to those calumnies and proves me to be a friend to order, truth, and justice.

I hope you will attribute this effusion of my sentiments to my anxiety for the honor and success of the Revolution. I have no interest distinct from that which has a tendency to meliorate the condition of mankind. The Revolution, so far as it respects myself, has been productive of more loss and persecution than it is possible for me to describe or for you to indemnify. But with respect to the subject under consideration I could not refrain from declaring my sentiments.

In my opinion, if you subvert the basis of the Revolution, if you dispense with principles and substitute expedients, you will extinguish that enthusiasm and energy which have hitherto been the life and soul of the Revolution; and you will substitute in its place nothing but a cold indifference and self-interest which will again degenerate into intrigue, cunning, and effeminacy.

But, to discard all considerations of a personal and subordinate nature, it is essential to the well-being of the republic that the practical or organic part of the Constitution should correspond with its principles; and as this does not appear to be the case in the plan that has been presented to you it is absolutely necessary that it should be submitted to the revision of a committee who should be instructed to compare it with the declaration of rights, in order to ascertain the difference between the two and to make such alterations as shall render them perfectly consistent and compatible with each other.

SIR ROBERT PEEL

ON THE REPEAL OF THE CORN LAWS

[Sir Robert Peel, a British statesman and one of the most convincing orators of his day, was born in 1788. He took his degree at Oxford and was elected to the House of Commons at twenty-one. A few years later he became chief secretary for Ireland, and coming into conflict with Daniel O'Connell displayed eloquence of a high order. Peel's views afterward became more liberal, and when his public position warranted it he brought in a bill for Catholic emancipation, besides striving for the removal of Jewish disabilities, and advocating various measures desired by the middle and working classes. Perhaps he will best be remembered as the champion of free trade and the supporter of repeal of the corn laws. He was twice premier, and died in 1850 of injuries received through a fall from his horse. Peel's great work was the enactment of such reforms in the British constitutional fabric as were rendered necessary by the political progress of the people. Thus he saved his country from those upheavals which in 1848 distracted the European continent. The first of the two following speeches, perhaps the most famous and effective of all his orations, was delivered in the House of Commons, in 1846; the second was made in the House of Commons, also, in 1833.]

I BELIEVE it is now nearly three months since I first proposed, as the organ of her Majesty's government, the measure which, I trust, is about to receive to-night the sanction of the House of Commons; and, considering the lapse of time—considering the frequent discussions—considering the anxiety of the people of this country that these debates should be brought to a close, I feel that I should be offering an insult to the House—I should be offering an insult to the country, if I were to condescend to bandy personalities upon such an occasion. Sir, I foresaw that the course which I have taken from a sense of public duty would expose me to serious sacrifices. I foresaw as its inevitable result that I must forfeit friendships which I most highly valued—that I must interrupt political relations in which I felt a sincere pride; but the smallest of all the penalties which I anticipated were the continued venomous attacks of the member from Shrewsbury [Mr. D'Israeli]. Sir, I will only say of that honorable gentleman, that if he, after reviewing the whole of my public life —a life extending over thirty years previous to my accession to office in 1841—if he then entertained the opinion of me which he now professes; if he thought I was guilty of these petty larcencies from Mr. Horner and others, it is a little surprising that in the spring of 1841, after his long experience of my public career, he should have been prepared to give me his confidence. It is still more surprising that he should have been ready—as I think he was—to unite his fortunes with mine in office, thus implying the strongest proof which any public man can give of confidence in the honor and integrity of a minister of the crown.

Sir, I have explained more than once what were the circumstances under which I felt it my duty to take this course. I did feel in November last that there was just cause for apprehension of scarcity and famine in Ireland. I am stating what were the apprehensions I felt at that time, what were the motives from which I acted; and those apprehensions, though they may be denied now, were at least shared then by those honorable gentlemen who sit below the gangway [the Protectionists]. The honorable member for Somersetshire [Sir T. Acland] expressly declared that at the period to which I referred he was prepared to acquiesce in the suspension of the corn laws. An honorable member also, a recent addition to this House, who spoke with great ability the other night, the honorable member for Dorsetshire [Mr. Seymer] distinctly declared that he thought I should have abandoned my duty if I had not advised that, considering the circumstances of Ireland, the restrictions on the importation of foreign corn should be temporarily removed. I may have been wrong, but my impression was, first, that my duty toward a country threatened with famine required that that which had been the ordinary remedy under all similar circumstances should be resorted to; namely, that there should be free access to the food of man from whatever quarter it might come. I was prepared to give the best proof which public men generally can give of the sincerity of their opinions, by tendering my resignation of office and devolving upon others the duty of proposing this measure; and, sir, I felt this, that if these laws were once suspended, and there was unlimited access to food, the produce of other countries, I, and those with whom I acted, felt the strongest conviction that it was not for the public interest—that it was not for the interest of the agricultural party, that an attempt should be made permanently to reimpose restrictions on the importation of food.

These are the motives on which I acted. I know the penalty to which I must be subject for having so acted; but I declare, even after the continuance of these debates, that I am only the more impressed with the conviction that the policy we advise is correct. An honorable gentleman in the course of this evening, the honorable member for Sunderland [Mr. Hudson], informed us that he had heard that there was excitement about the corn laws; but he undertook to give a peremptory contradiction to that report, for he never recollected any public question being proposed involving such great interests, which, on the whole, was received by all classes concerned—by the manufacturing and by the agricultural classes—with less excitement and with a greater disposition to confide in the wisdom of the decision of Parliament. Well, if that be so—if this question is proposed at such a time—[Mr. Hudson: No, no!] I certainly understood the honorable member to make that statement. [Mr. Hudson: I will explain later.] I may be mistaken, and of course I am, if the honorable member says so; but I understood him to say that so far from there being any undue excitement, he thought that there was much less than could have been expected, and that all parties were disposed to acquiesce in the decision of Parliament.

[Mr. Hudson: What I stated, I believe, was this: that there was no excitement in favor of the bill—not that there was a deep feeling on the part of the agriculturists against it, but that there was no public excitement in its favor.]

That varies very little from the expressions I used, and entirely justifies the inference which I drew. If there be no excitement in favor of the bill, and no strong feeling on the part of the agriculturist against it, it appears to me that this is not an unfavorable moment for the dispassionate consideration by Parliament of a subject otherwise calculated to promote excitement on the part of one class and to cause great apprehension on the part of the other; and the honorable member's statement is a strong confirmation of my belief that it is wise to undertake the settlement of this question when there is such absence of excitement, rather than to wait until a period when unfavorable harvests and depressed manufactures may have brought about a state of things which may render it less easy for you to exercise a dispassionate judgment on the matter. Sir, I do not rest my support of this bill merely upon the temporary ground of scarcity in Ireland. I do not rest my support of the bill upon that temporary scarcity; but I believe that scarcity left no alternative to us but to undertake the consideration of this question; and that consideration being necessary, I think that a permanent adjustment of the question is not only imperative, but the best policy for all concerned. And I repeat now, that I have a firm belief that it is for the general benefit of all—for the best interests of the country, independent of the obligation imposed on us by temporary scarcity—it is for the general interests of the great body of the people that an arrangement should be made for a permanent removal of the restrictions upon the introduction of food.

I have stated the reasons which have induced me to take the present course. You may no doubt say that I am only going on the experience of three years and am acting contrary to the principles of my whole life. Well, I admit that charge—I admit that I have defended the existence of the corn laws—yes, and that up to the present period I have refused to acquiesce in the proposition to destroy them. I candidly admit all this; but when I am told that I am acting inconsistently with the principles of my whole life by advocating free trade, I give this statement a peremptory denial. During the last three years I have subjected myself to many taunts on this question, and you have often said to me that Earl Grey had found out something indicating a change in my opinions. Did I not say I thought that we ought not hastily to disturb vested interests by any rash legislation? Did I not declare that the principle of political economy suggested the purchasing in the cheapest market, and the selling in the dearest market? Did I not say that I thought there was nothing so special in the produce of agriculture that should exempt it from the application of this principle which we have applied already to other articles? You have a right, I admit, to taunt me with any change of opinion upon the corn laws; but when you say that by my adoption of the principle of free trade I have acted in contradiction to those principles which I have always avowed during my whole life, that charge, at least, I say, is destitute of foundation. . . .

Sir, if I look to the prerogative of the crown—if I look to the position of the church—if I look to the influence of the aristocracy—I cannot charge myself with having taken any course inconsistent with conservative principles, calculated to endanger the privileges of any branch of the legislature, or of any institutions of the country. My earnest wish has been, during my tenure of power, to impress the people of this country with a belief that the legislature was animated by a sincere desire to frame its legislation upon the principles of equity and justice. I have a strong belief that the greatest object which we or any other government can contemplate should be to elevate the social condition of that class of the people with whom we are brought into no direct relationship by the exercise of the elective franchise. I wish to convince them that our object has been to apportion taxation, that we shall relieve industry and labor from any undue burden, and transfer it, so far as is consistent with the public good, to those who are better enabled to bear it. I look to the present peace of this country; I look to the absence of all disturbance—to the non-existence of any commitment for a seditious offense; I look to the calm that prevails in the public mind; I look to the absence of all disaffection; I look to the increased and growing public confidence on account of the course you have taken in relieving trade from restrictions, and industry from unjust burdens; and where there was dissatisfaction I see contentment; where there was turbulence I see there is peace; where there was disloyalty I see there is loyalty; I see a disposition to confide in you, and not to agitate questions that are at the foundations of your institutions. Deprive me of power to-morrow, you can never deprive me of the consciousness that I have exercised the powers committed to me from no corrupt or interested motives—from no desire to gratify ambition, or attain any personal object; that I have labored to maintain peace abroad consistently with the national honor and defending every public right—to increase the confidence of the great body of the people in the justice of your decisions, and by the means of equal law to dispense with all coercive powers—to maintain loyalty to the throne, and attachment to the constitution, from a conviction of the benefit that will accrue to the great body of the people.

THE DISABILITIES OF THE JEWS

Mr. Speaker: It was with great reluctance that I gave a silent vote on the first occasion on which this matter was brought under our consideration; but the peculiar circumstances under which the debate closed, so immediately before the Christmas recess, and my unwillingness to incur the risk of preventing, by an adjournment, a decision on the question, induced me on that occasion to be silent. I now wish to state the grounds on which I have come to a conclusion which is at variance certainly with first impressions, and which places me in painful collision with many with whom I have almost invariably acted—with some from whom I never to the best of my recollection, on any former subject of equal importance, have had the pain to differ.

I must in the first place disclaim altogether any concurrence in the doctrine that to us, in our legislative capacity, religion is a matter of indifference. I am deeply impressed with the conviction that it is our paramount duty to promote the interests of religion and its influence on the human mind. I am impressed by a conviction that the spirit and precepts of Christianity ought to influence our deliberations; nay, more, that if our legislation be at variance with the precepts and spirit of Christianity we cannot expect the blessing of

God upon them. I may, indeed, say with truth, that whether my decision on this question be right or wrong, it is influenced much less by consideration of political expediency than by a deep sense of religious obligation.

Between the tenets of the Jew and of the Christian there is, in my opinion, a vital difference. The religion of the Christian and the religion of the Jew are opposed in essentials. Between them there is complete antagonism. I do not consider that the concurrence of the Jew with the Christian in recognizing the historical truths and divine origin of the moral precepts of the Old Testament can avail to reconcile their differences in respect to those doctrines which constitute the vital principle and foundation of Christianity. If, as a legislature, we had authority to determine religious error, and a commission to punish religious error, it might be our painful duty to punish the Jews. But we have no such commission. If the Jews did commit an inexpiable crime nearly two thousand years ago, we have no authority given to us, even if we could determine who were the descendants of the persons guilty of that crime, to visit the sins of the father upon the children, not unto the third or fourth, but unto the three hundredth or four hundredth generation. That awful power is not ours. "Vengeance is mine; I will repay, saith the Lord."

I cannot, therefore, admit the right of the legislature to inflict a penalty for mere religious error. I consider a civil disability to partake of the nature of a penalty. I speak of religious error simply and abstractly. If you can certainly infer from that religious error dangerous political opinions, and if you have no other way of guarding against those political opinions except by the administration of a test for the purpose of ascertaining the religious opinions, in that case you may have a right to impose the penalty of exclusion from certain trusts. In the case of the Roman Catholic, you did not exclude him because he maintained the worship of the Virgin Mary or the doctrine of transubstantiation, but because you thought he was a dangerous subject, in consequence of his acknowledging the supremacy of a foreign power and his allegiance to another sovereign. You excluded him from political power because you believed he would abuse it. You did not inflict civil disability for mere religious error. If you can show, in this case, that the maintenance of certain religious opinions by the Jews is a decisive proof of their civil unworthiness, you may have a right to exclude them from power; but the onus of showing this is imposed upon you. The presumption is in their favor. The presumption is that a Jew, as a subject of the British crown, is entitled to all the qualifications and the privileges of a British subject. You may defeat that claim by proof of danger to the state, from admitting it; but the onus of proof lies upon you.

The claim of the Jews, as British-born subjects, is for entire and complete qualification for office. You do not diminish the force of that claim by their partial qualification. You allow the Jew to fill municipal offices—you concede to him the elective franchise; but the obligation to assign a reason for withdrawing from him what remains is precisely the same. Nay, after you admit the qualification for the privileges and franchises which you have entrusted to him, it becomes the more incumbent upon you to assign a reason for withholding complete qualification.

A noble lord, who has spoken with so much good feeling upon this question—the member for Bath—quoted an authority entitled to much weight, a distinguished man, now no more. I wish to speak of the late Dr. Arnold with the utmost respect. The noble lord made an extract from the works of Dr. Arnold, which appeared to make a considerable impression upon the House—a passage in which Dr. Arnold says:—

> "For the Jews I see no plea of justice whatever; they are voluntary strangers here, and have no claim to become citizens but by conforming to our moral law, which is the Gospel."

We are to reject the claim of the Jews now living—born in this country and owing entire allegiance to the British crown—to the privileges of British subjects, because their ancestors were voluntary strangers here. The descendants of an ancient Briton, of the pure blood, may be entitled to urge this objection to a Jew; the descendants of a Norman, or a Roman, or a Saxon, or a Dane can hardly insist upon it. His ancestors, I apprehend, were not invited here; they were "voluntary strangers," with this difference between them and the Jews: that the Jews were content to submit to the laws and institutions which they found established, and that the others subverted them. Dr. Arnold proceeds: "I would give the Jews the honorary citizenship which was so often given by the Romans, namely, the private rights of citizens, jus commercii et jus connubii, but not the public rights, jus suffragii et jus honorum."

I contend that the British law recognizes no such distinction; that, after conferring upon the Jew the jus commercii, the onus for assigning satisfactory reasons for withholding from the Jew the remaining rights of citizenship continues undiminished. Unless you can show that there is something politically hostile in the character and conduct of the Jew in relation to the state; that in times of civil discord and discontent there is reason to apprehend his disaffection; or that, for some good cause or other, he is unworthy of confidence, you cannot defeat his equitable claim to the entire and complete rights of citizenship.

To the opinion of Dr. Arnold I oppose the opinion of a still higher authority, that of Lord Bacon. In his arguments upon the right of the post nati of Scotland, Lord Bacon has the following remarkable observations: "It seemeth admirable unto me to consider with what a measured hand, and with how true proportions, our law doth impart and confer the several degrees of the benefits of naturalization. The first degree is an alien enemy. The second is an alien friend. The third is a denizen. To this person the law giveth an ability and capacity abridged, not in matter but in time. The fourth and last degree is a natural-born subject—'he is complete and entire.' Other laws do admit more curious distinctions of this privilege, for the Romans had besides jus civitatis, which answereth to naturalization, jus suffragii. For though a man were naturalized to take lands and inheritance, yet he was not enabled to have a voice in passing of laws, or at election of officers. And yet further, they had jus petitionis, or jus honorum. For though a man had voice, yet he was not capable of honor or office. But these he devises commonly of popular free estates which are jealous whom they take into their number, and are unfit for monarchies; but by the law of England the subject that is natural-born hath a capacity or ability to all benefits whatever."

The Jew is a subject natural-born; and I contend that he has a right, as such, to be qualified for all civil trusts—that he has a " capacity or ability to all benefits whatever," unless you show a reason to the contrary—a reason not founded upon mere religious error, but upon some good cause for political disqualification.

In the course of this debate, the exclusion of the Jews has been justified by reference to other disqualifications to which all subjects of the queen are liable. It is contended that it is no hardship to exclude the Jews, because copyholders are excluded from rights which freeholders possess, and minors from the exercise of powers which a man of full age enjoys. An honorable and learned gentleman [Mr. Walpole], who bears a name which must be honored in this House, the luster of which he is, I trust, destined to renew, contended that there is a distinction between the elective franchise and the functions of legislation, and cited, as a proof of such distinction, the case of the clergy, who are qualified to vote for members of Parliament, but not to sit in Parliament. Surely these are ingenious fallacies, employed for the purpose of concealing from ourselves the real character of a harsh exclusion. How does the elective franchise differ in principle from the right of legislation? There is no such franchise given by common law; the elective franchise is a creature of the legislature. You withhold from the nine-pound householder a right which you give to the ten-pound householder. With respect to the exclusion of the clergy from this branch of the legislature, and with respect to the exclusion of minors and those who have not sufficient property, these exclusions differ altogether in their principle from the disqualification you impose upon the Jews. In the first place, the Jew is equally subject with those who profess Christianity to all these exclusions of minors, of copyholders, and nine-pound householders. To all these disqualifications he is equally subject with ourselves; but you superadd another disqualification to which he is specially liable. Of the exclusions to which you refer, some are voluntary, others temporary in their duration. A clergyman, when he enters upon his sacred office, knows that he will be excluded from this House. A minor, if he live until he attains his majority, will acquire his full rights. But the disqualification of the Jew is of a different character—it is a disqualification on account of his opinions; it is not temporary or voluntary; it is a superadded disqualification, and it differs in its character from the disqualifications to which other classes are subject.

Now, has there been assigned any valid cause for this disqualification, derived from the political conduct and character of the Jew? On the contrary, admissions in his favor have been made which render the hardship of excluding the Jews still more grievous. We are told by the opponents of the Jews that in point of moral conduct, in point of active exercise of charity, in point of tried loyalty, and in point of property, the Jews are entitled to as much consideration as any other class of the queen's subjects. If in all these respects they are equally worthy, why subject them to exclusions which imply the want of civil worth? If the claim of the Jew to the full privileges of a natural-born subject of the queen can be defeated only by proof of his misconduct or of justifiable suspicion, there is an end of the question. His claim is not even contested on that ground.

But there are two reasons—for I will class all the other arguments urged against the admission of the Jews under two heads for the purpose of brevity—which have been advanced in support of their exclusion, the force of which, if well founded in fact, I should be the last person to deny. One of these reasons is that you have for the last three hundred years deemed a recognition of the Christian faith a necessary qualification of a legislator; the other, that if you now abandon that qualification and permit it to be struck out of the statute-book, where it so long remained, this conduct on your part will imply an indifference to religion, and that such indifference is likely to relax the energies and paralyze the exertions of many devout Christians who, in this and in other countries, are using their utmost endeavors to propagate the Christian faith. Now, I wish to weigh fairly the force of these two objections.

I do not undervalue the objection that you are about to remove from the statute-book the words "on the true faith of a Christian." I fear that you will give offense to many sincere Christians by removing these words; but, on a deep consideration of this subject, I am convinced that the popular impression with respect to these words and the circumstances under which they were inserted is erroneous, and that it would not be just to subject the Jew to continued disqualification on account of erroneous, though most sincere and conscientious, impressions in respect to the intent and effect of the words which it is proposed to omit.

It was said, and truly said, by the honorable and learned member for Southampton, that up to the reign of Queen Elizabeth there was no oath required from members of Parliament. The principle of the British constitution before the first of Elizabeth was that the will of the electing body should determine the right to sit in Parliament; and no oath was required from members of Parliament before the fifth year of the reign of Elizabeth, when the oath of supremacy was administered—an oath which, if not administered on this book [the New Testament], the Jew would have been perfectly willing to take. The oath, it is true, was administered in a form in which it could only be taken by a sincere Christian. But in the first year of the reign of Queen Elizabeth the law presumed every one to be not merely a Christian but a member of the Established Church, for it required every subject of the queen to attend divine service in the church once at least on every Sunday on the penalty of twelve pence. The object of the oath of supremacy was to assure the queen of the full allegiance of her subjects, and to exclude from office and from Parliament all those who acknowledged the temporal or ecclesiastical authority of a foreign potentate within these realms. The substance of the oath was directed, not against Jews, but against Christians. It was the form of the oath alone which affected the Jew.

From the fifth of Elizabeth to the seventh of James I. no other oath than the oath of supremacy was required from members of Parliament. In the seventh of James I., the year 1605, a new and additional oath was administered—that oath which contains the words "on the true faith of a Christian."

The reason for this new oath is fully stated in the preamble to the act which imposed it. There is an express reference "to the barbarous and horrible attempt to have blown up with gunpowder the king, queen, prince, lords, and commons in this House of Parliament assembled." This oath continued in force until the revolution of 1688. Now, if the words "on the true faith of a Christian" had been considered important as guaranteeing the Christian character of the legislature, is it not remarkable that in the first year of the reign of William and Mary they should have been altogether dispensed with? The oath which contained them, and with the oath the words themselves, was by express enactment "repealed, utterly abrogated, and made void"; and for that oath this simple form was substituted: "I do sincerely promise and swear that I will be faithful and bear true allegiance to her Majesty. So help me God." From the year 1688 to the year 1701 this simple oath of allegiance was the only one required. There was no profession of the "true faith of a Christian" by members of either House of Parliament. In 1701 the Pretender assumed the title of James III. That title was acknowledged by Louis XIV., and it was thought necessary, for the protection of the new dynasty, to impose an oath of abjuration. The form of the oath imposed by James I., which included the words, "on the true faith of a Christian," was adopted, and has since remained in force. But it was neither originally imposed nor subsequently revived for the purpose of assuring of the Christian character of the legislature. You now plead against the admission of the Jew the policy of maintaining that Christian character. You argue, "We have ceased, it is true, to be a Church of England Parliament, we have ceased to be a Protestant Parliament, but we have tests in force which ensure our unity as a Christian Parliament." May not the Jew reply that those tests were never designed for that purpose; that they were not directed against him; that they were directed, for purely political purposes, by one body of Christians against another whose loyalty and fidelity were denied? These tests that are now to be retained as the guaranties for Christian unity are the historical evidences of former divisions and fierce conflicts between Christians themselves.

The member for Midhurst quotes the writ of summons for the convocation of Parliament, and contends that the Jew is inadmissible to the legislature because Parliament is convened to deliberate not only on matters of state, but especially "de quibusdam rebus Ecclesiam Anglicanam concernentibus." What is the answer of the Jew to this objection? "Am I less qualified than the Quaker to legislate on questions of public policy or on matters concerning the church? I have no scruples as to the lawfulness of war. I do not deny the right to tithes, I do not refuse their payment except on compulsion. I have no rival religious establishment as the Roman Catholic has. You make no objection to the Unitarian, who rejects one of the fundamental doctrines of the Christian faith, and yet you plead the Christian character of the legislature as the impediment to my admission."

Still it is contended that we have at least this satisfaction that no member can be admitted to sit in the House of Commons without professing his belief in Christianity; that the declaration "on the true faith of a Christian" is an indispensable condition of his admission. But this is not true. I hold in my hand the declaration made by a Quaker at the table of this House, and from that declaration the words "on the true faith of a Christian" are omitted. You will constitute no new precedent, therefore, by omitting these words in the case of the Jew. Require from the Jew the same identical declaration which you require from the Quaker, and permit the Jew to swear in the very same form in which you permit him, nay, compel him to swear in a court of law, and he will be perfectly satisfied. Can there be a stronger proof that you did not consider the words "on the true faith of a Christian" an essential qualification for the legislature than that in framing a declaration to be made by the Quaker, on his admission to the House, you deliberately omitted them? You have done the same in the case of the Moravian and the Separatist. There is, therefore, an end of argument that the omission of the same words in favor of the Jew would be an act without an example, derogatory to the Christian character of Parliament.

The honorable member for Dorsetshire has referred to a speech on this subject delivered by me in the year 1830, with an expression of surprise that I can now consent to the removal of Jewish disabilities. Since the year 1830 circumstances have occurred having an important bearing on this question, and making in the position of it a material change. You have in the interval admitted to the legislature classes of religionists who in the year 1830 were excluded in common with the Jew; you have admitted the Quakers, the Moravians, and the Separatists. In respect to office—to civil, political, and municipal office—the present position of the Jew is entirely different from his position in 1830; and even now, after the progress made in this debate, I doubt whether that position is clearly understood.

It is well known that the Jews have been selected by the crown for civil distinctions; that, under the late government, the baronetcy was conferred by the queen upon Sir Moses Montefiore; under the present, upon Mr. Rothschild. It is also well known that the Jews are, by a recent act of Parliament, qualified for all municipal offices. But it is not generally known that all civil and military appointments, with very few exceptions, are tenable by a Jew.

I believe that at this moment the Jew is eligible to any executive office to which the crown may appoint him, no matter how important may be the duties attached to that office, unless in the case of offices which must be held by privy councillors he be precluded by the oath which is administered to a privy councillor. I apprehend that there is nothing which can prevent a Jew from being secretary of state to-morrow, except through the indirect operation of the oath required of a privy councillor, and that there is nothing in the substance or terms of that oath to which a Jew would object. If you will permit the Jew to take the privy councillor's oath on the Old Testament, the oath of the Privy Council will not exclude him from the Privy Council. It is my conviction, therefore, that, except through the indirect operation of that oath, there is not an office within the gift of the crown from which a Jew, practically, is excluded. Let me shortly revert to the Act of 1828. A certain declaration, containing the words "on the true faith of a Christian," was by that act substituted for the declaration against transubstantiation; and observe these words, "on the true faith of a Christian," were not inserted in the declaration required by the bill, as it was sent up to the lords by the House of Commons. The bill, when it left the lower House, did not contain these words; the Commons were content to admit dissenters from the church to all executive and municipal offices without requiring that declaration of Christian faith. The words were inserted in the House of Lords, and rather than lose the bill, the amendment was acceded to by the Commons. A marked distinction was made in the Act of 1828 as to the period when the declaration was required; in the case of executive office, a certain time (six months after admission to office) was given; in the case of the municipal office, the declaration was required to be made previously to or upon admission to office. In the year 1831 a material change took place in the enactments of the annual indemnity act. The declaration required by the Act of 1828 was then placed on the same footing as all other tests. The consequence is that during the whole of the last two reigns—the reign of King William and the reign of Queen Victoria—all parties appointed to executive office have been given, under the annual indemnity act, the whole year to qualify. Before the year expires another indemnity act passes; and the fact, therefore, is that at this moment, except through the indirect operation of the privy councillor's oath, there is not an office under the crown which a Jew may not hold, and be protected in holding.

Having acceded to those important changes in the position of the Jew, and having admitted all other dissenters to legislative functions, can we permanently maintain the exclusion of the Jew from Parliament? He is possessed of the elective franchise. He is eligible to, and has entered upon, municipal office. He may be lord mayor of London. He is shut out from no office under the crown excepting that of privy councillor. The crown has been enabled for the last seventeen years to appoint the Jew to high political office; but there is a certain trust which can only be exercised through the good will of electors, the great majority of whom must probably be professing Christians; and yet from that trust the Jew is to remain excluded. There is no jealousy of the crown in respect to the appointment of Jews to the most important civil offices, but such jealousy of the Christian electors of this country that you will not permit them to send the man of their choice to this House, if he happen to be a Jew.

Sir, my opinion is that you cannot permanently maintain that exclusion; and, if you cannot, why not remove it now? You have removed other disabilities with little danger to the interests of the church or to the interests of the Christian religion. My firm belief is—and I rejoice in the conviction—that the church of England is stronger at this moment than at any period of her history. The disposition of the church to admit timely and salutary reforms has been one great cause of that strength. A still more efficient cause is the deep religious feeling which has been awakened through the country. The strength of the church and of religion is not now dependent on the question of two or three votes, more or less, in this House. The church is strong enough to be independent on all essential points of the decisions of this House. It is rooted in the affections of the people; and it is a disparagement to religion and to the church to contend that the safety of either depends upon the continued exclusion from this assembly of the Baron de Rothschild or three or four gentlemen of the Jewish faith. Were it not for the internal dissensions within the church itself, the church would be stronger at this moment, after the successive relaxation of disabling laws, than it was even at the period when you required conformity to the faith of the church as an essential qualification for Parliament.

I cannot then assign danger to the church as a reason for excluding the Jew. At the same time, I deeply regret that the feelings of zealous and pious Christians should be wounded by the omission from an oath of the words "on the true faith of a Christian." Believing, however, the impression with regard both to the original intent and the effect of those words to be erroneous; seeing that it is an error to suppose they have formed a part of the qualification for Parliament for an uninterrupted period since their first introduction in the reign of James I., inasmuch as they were "utterly abrogated, repealed, and done away" at the time of the Revolution, and were revived only thirteen years afterward for a purely political purpose; seeing that it is an error to suppose that they are now required for every member of the legislature, inasmuch as they are waived in the case of the Quaker, the Moravian, and the Separatist—I cannot think it just to continue the exclusion of the Jew from deference to conscientious but erroneous impressions.

I own, sir, that I do cordially rejoice that I can find no constitutional impediment to the complete admission of the Jew to the right of a British subject. If there be a class of our fellow-beings to whom reparation is due from every Christian state in Europe—reparation for centuries of calumny, persecution, and wrong—the Jews are that class. I defy you to read the early history of this country, narrated, not by indignant Jews, but by the popular historians of your own faith, without shuddering at the atrocities committed by Christian sovereigns and a Christian people. Hume says, "Our ideas scarcely come up to the extortions which we find to have been practiced upon the Jews." Speaking of King Henry III., and detailing his unjust demands for money and his threats to hang the Jews if they refused compliance, he says, "The king then delivered over the Jews to the Earl of Cornwall, that those whom one brother had flayed the other might embowel." He remarks that "the acts of violence against the Jews proceeded much from bigotry, but more from avidity and rapine."

Even in that age these things would not have been done or tolerated but for deep-rooted prejudices and wide-spread antipathy to the Jews, on account of their religious faith. Are we quite sure that the same prejudices—the same antipathy—do not still exist? We disclaim them within these walls; but are they not the real cause of much of the opposition to the relief of the Jew from civil disabilities? Of this I am confident, that within the present century both the people and the government of this country have been influenced by some such unworthy feelings. It was the deference to irrational prejudice that induced the ministry in 1753 to propose the repeal of the act for the naturalization of foreign Jews, passed in the preceding year. The most disgraceful day in the annals of the British Parliament was that on which the Duke of Newcastle, the first minister of the crown, proposed the repeal of that act. A general election was impending—great excitement prevailed—excitement of such a nature that the member for Exeter, who had voted in favor of the Jews, was denounced as a Jew, and was compelled to appease his constituents by citing, in proof of his Christianity, the fact that he had repeatedly traveled on a Saturday, the Jewish Sabbath.

The lord chancellor, in his place in the House of Lords, condescended to vindicate the government for proposing the repeal of the naturalization act by such arguments as these: Speaking of the Jews, and the popular feelings towards them, Lord Hardwicke observed: "By our laws they may be protected from any open violence or direct assault; but whilst the people are so highly and so generally exasperated against them as they everywhere appear to be at present, they will be exposed to daily insults and vexations which no law can provide against or punish, especially in this country, where no man, not even the king himself, is vested with absolute power, and where every magistrate is obliged to confine himself within the letter of the law. Therefore, whilst the people continue in their present humor, it will be impossible for any Jew, rich or poor, to live here with the same ease and security which he did before that law was passed."

Again: "I am convinced that the ill-humor of the people would before now have broken out, if it had not been for the hope that as soon as Parliament met the law would be repealed; and if they were to see two or three dozen of their countrymen hanged every session for mobbing and murdering the Jews, I believe it would not contribute toward restoring them to good-humor, especially as many of them would find—at least imagine—that the Jews interfered with them in their trade or business."

For such reasons as these, in avowed obedience to the most irrational and vulgar prejudices, a slight privilege conceded to the Jews in 1752 was suddenly withdrawn in 1753, by the same ministers and the same Parliament by which it had been granted.

I have cited the authority of Hume for the cruelties practiced in England upon the Jews during the reigns of King John and his successor. Let me read an extract from another historian, Sharon Turner, containing a brief summary of the persecutions to which this unhappy people were subject in this country and other parts of Europe: "When we recollect their massacre along the Rhine in 1096, and in England in the time of Richard I., and read of their repeated destructions in Germany: in 1221 at Erfurt; in 1263 at Fulda, when, on an accusation of their killing Christian boys for their blood, the emperor ordered an inquiry whether Christian blood was a necessary part of their Passover, to which the official answer was that nothing certain was known on the subject; in 1240 at Frankfurt, 'with fire and sword'; in 1282 at Mentz and other places; in 1298 at Nuremberg and through all Franconia; that they were also exterminated from Bavaria; that in 1348, 1349, and 1350 they were killed 'like cattle,' and mercilessly burned in great numbers at Basle, Freiburg, Spires, Worms, Frankfurt, Mentz, Alsace, Cologne, and in every part of Germany; when we recall to mind that these are only specimens of what they endured in other places, and were for several centuries in perpetual danger of everywhere suffering, we can hardly persuade ourselves that any remnant of the nation so bitterly persecuted can now be surviving."

They have survived, having borne their wrongs with exemplary patience and resignation. Suppose the result of these bitter persecutions had been to make the Jews a degraded race; suppose "the iron had entered into their souls"; suppose they had been so bowed down as to have become

> "Curvæ in terris animæ ac cœlestium inanes,"

who would be responsible for their degradation?

If the Jews were debased or inferior in moral worth to Christians, could that debasement and inferiority—the natural result of oppression—be now assigned with any semblance of justice as an impediment to the grant of equal rights to the Jews? Could the Christian rulers of Europe justly reproach the Jews for continuing a separate people, and for being deficient in ardent patriotism and devoted attachment to the institutions under which such wrongs had been inflicted? Could they be astonished if, vexed by repeated persecutions, the Jews permitted the past, the distant, and the future, to predominate over the present?—if, sitting down by the waters of strange lands, they wept when they remembered Sion?

But, according to your own acknowledgment, the Jews have not been debased. In point of courage, of moral worth, of intellectual power, of mental acquirements, they yield precedence to none. They have been faithful subjects of the crown; in the times of severe trial, at home or abroad, their loyalty has never wavered. On what ground, then, do you justify their exclusion from any privilege of a Protestant subject? Are they not so far entitled to our confidence that they may be qualified for a trust which they cannot exercise except through the good will of Christian constituencies?

It may be that considerations of the past—that the desire to make reparation for former wrongs—ought not to control or influence our judgment; but they may so far operate as to inculcate the duty of mature reflection whether we cannot reconcile our feelings with our duty, and to increase our satisfaction if we find that they are not incompatible.

I have other motives that weigh with me. There are countries in which the Jews are still subject to persecution and cruel oppression. Twice within the last three or four years has a British subject, distinguished for his benevolence and philanthropy, Sir Moses Montefiore, repaired to distant lands, in the hope of mitigating the hard lot of the suffering Jews. He repaired to St. Petersburg for the purpose of imploring mercy toward the Jews in Poland. He repaired to the East for the purpose of relieving, if possible, the Jews in Palestine from shameful wrongs, perpetrated on the pretext that they murdered Christian children in order that their blood might be available for the Passover.

He carried with him letters of recommendation from British ministers, certifying his high character for integrity and honor and the purity of the motives by which he was actuated. How much more persuasive would those letters have been if they could have announced the fact that every ancient prejudice against the Jews had been extinguished here, and that the Jew was on a perfect equality, as to civil rights, with his Christian fellow citizen? Place him on that footing of perfect equality, and the influence of your benevolent legislation will extend far beyond the narrow limits of your own country. You will exercise an authority and jurisdiction, even in foreign countries, which laws, however jealous of external interference, cannot exclude—the moral authority of a just and benevolent example. You will offer consolation to many a wounded spirit, and weaken the force of the prejudices and antipathies which harden the heart against the impulses of humanity; at any rate, you will make it impossible to justify those prejudices by the example of England.

It remains for me to refer to the argument against the removal of Jewish disabilities which was chiefly relied on by my right honorable friend [Mr. Goulburn], and urged by him with great force and effect.

My right honorable friend says that there are many zealous Christians who, from the deepest conviction and the purest motives, devote their lives to the propagation of divine truth and the reclamation of the ignorant and the guilty from sin and error. He says, justly, that we possess an extended empire, bringing us into contact with gross ignorance and superstition, which pious missionaries are laboring to extirpate. He fears that their zeal will be relaxed and their exertions paralyzed if the legislature should manifest that indifference toward divine truth which might be implied by the admission of the Jew to the legislature, and by thus relinquishing the distinguishing character of a Christian Parliament. I concur with my right honorable friend that vast dominion imposes upon us the gravest responsibility. That dominion may be destined by Providence to advance much higher purposes than the aggrandizement of empire, or the extension of commerce. Empire and commerce may be means toward a great end; they may be the avenues through which the light of knowledge is to penetrate the cloud of error, through which "the dayspring from on high is to visit those that sit in darkness, and in the shadow of death." I agree with him that if by assenting to this measure indifference toward divine truth could be justly imputed to us—if the suspicion of it should relax the zeal or defeat the exertions of devout and pious men laboring in the cause of true religion—such a result would be a lamentable one, with evil consequences far outweighing any which could arise from the continued disabilities of the Jews.

My right honorable friend contends that even if the zeal of the pious missionary should not be dampened by our misconduct—if he should still continue to enforce the truths of Christianity—yet if it came to the knowledge of those to whom these truths were addressed that at home the distinction between Christians and Jews had been abolished by admitting the Jews to legislative functions, the millions of heathens whom Providence has placed under our rule would be shocked by our inconsistency, and would be unwilling to assent to doctrines which we ourselves appeared to repudiate.

I cannot concur in the apprehensions of my right honorable friend. Let me take the natives of some distant country, utterly ignorant of the truths of the Gospel, but not insensible to the force of reason. If you could tell them that your policy toward the Jew was that of the reign of Richard I. or of the Spanish Inquisition—that you so abominated the crime which his ancestors had committed and so detested his unbelief that you would hold no communion with him—that by your laws he was subject to banishment and torture—the heathen might think you deficient in charity, but give you credit for your devotion to the true faith. But if you told the heathen, as you must tell him, that your relation to the Jew was not very well defined—that you lived on friendly terms with the Jew—that you imposed on him all the burdens to which a British subject was liable—that you freely borrowed his money—that the Jew might dispense justice as a magistrate—that he might be lord mayor of the city of London—that he was qualified for almost all civil offices—that he might elect members of Parliament, but that, from zeal from the Christian faith, you could not allow the Jew to be a member himself—surely this appeal, however consistent with the truth, would not make a powerful impression on his mind.

Try the force of another appeal. Tell the heathen of the wrongs which Christian states have inflicted on the Jews; tell him that we live under a constitution which knows no distinction among British subjects as to civil rights—that we profess a religion which commands us to be forbearing and forgiving toward one another—that we serve a God whose almighty power is most chiefly declared by showing mercy and pity—that we worship a Redeemer who inculcated by his life, and sanctified by his death, the precepts of Christian charity; tell him that, in humble obedience to these precepts, we have given to the Jews the same benefits and privileges we possess ourselves—try the force of that appeal and it will not be made in vain.

It is for these reasons—because I believe it to be in conformity with the enlarged and comprehensive spirit of the British constitution that these disqualifications should no longer exist; because I rejoice in the opportunity of making reparation for the injuries and persecutions of former times; because I think the Jew has fairly earned the privileges which it is proposed to extend to him, by patience and forbearance, by tried fidelity and loyalty; but above all, because I am one of a Christian people, because I am a member of a Christian legislature, I will perform an act which I believe to be in strict conformity with the spirit and precepts of the Christian religion. We are commanded by that religion, as the condition of our own forgiveness, to forgive those who have trespassed against us. That duty is not in this case imposed upon us; but there is another duty, as sacred in point of moral obligation, and more trying to human pride, namely, that we should forgive those against whom we have trespassed. Sir, I shall give my cordial support to the bill before the House.

PERICLES

THE CAUSES OF ATHENIAN GREATNESS

[Pericles was born about 490 B.C., the exact date being unknown. He received the best education the times could afford; and entering upon his public career at Athens in 470 B.C., as leader of the democratic party, obtained great influence by his matchless eloquence. He introduced several reforms, and about 461 B.C. deprived the areopagus of the judicial power, thus taking a formidable instrument from the aristocracy. In the year 456 he proposed a decree that Cimon, the leader of the aristocratic party whom he had ostracized, should be recalled. Pericles became the acknowledged ruler of Athens, and during his administration spent large sums of money, mostly the tribute of conquered states, in beautifying the city. The growth of Athens aroused the jealousy of Sparta, and finally caused the Peloponnesian War. It was at the end of the first campaign that Pericles delivered his famous funeral oration. In the second campaign Pericles took an active part, but in 430 B.C., the plague having broken out in Athens, the ignorant populace blamed Pericles for their misfortunes, deprived him of command, and fined him. But they soon elected him general again, as there was none other equal to the task. In the next year, during a second outbreak of the plague, he caught it and died. The following oration was delivered at Athens, 431 B.C., shortly before his death. To the public spirit of Pericles Athens owed the Parthenon, and numerous other beautiful public buildings.]

MANY of those who have spoken before me on these occasions have commended the author of that law which we now are obeying for having instituted an oration to the honor of those who sacrifice their lives in fighting for their country. For my part, I think it sufficient for men who have proved their virtue in action, by action to be honored for it —by such as you see the public gratitude now performing about this funeral; and that the virtues of many ought not to be endangered by the management of any one person when their credit must precariously depend on his oration, which may be good and may be bad. Difficult, indeed, it is, judiciously to handle a subject where even probable truth will hardly gain assent. The hearer, enlightened by a long acquaintance, and warm in his affection, may quickly pronounce everything unfavorably expressed in respect to what he wishes and what he knows—while the stranger pronounces all exaggerated through envy of those deeds which he is conscious are above his own achievement. For the praises bestowed upon others are then only to be endured, when men imagine they can do those feats they hear to have been done; they envy what they cannot equal, and immediately pronounce it false. Yet, as this solemnity hath received its sanction from the authority of our ancestors, it is my duty also to obey the law and to endeavor to procure, as far as I am able, the good-will and approbation of all my audience.

I shall therefore begin first with our forefathers, since both justice and decency require we should on this occasion bestow on them an honorable remembrance. In this our country they kept themselves always firmly settled, and through their valor handed it down free to every since-succeeding generation. Worthy, indeed, of praise are they, and yet more worthy are our immediate fathers, since, enlarging their own inheritance into the extensive empire which we now possess, they bequeathed that, their work of toil, to us their sons. Yet even these successes we ourselves here present, we who are yet in the strength and vigor of our days, have nobly improved, and have made such provisions for this our Athens that now it is all-sufficient in itself to answer every exigence of war and of peace. I mean not here to recite those martial exploits by which these ends were accomplished, or the resolute defenses we ourselves and our fathers have made against the formidable invasions of Barbarians and Greeks—your own knowledge of these will excuse the long detail. But by what methods we have risen to this height of glory and power, by what polity and by what conduct we are thus aggrandized, I shall first endeavor to show, and then proceed to the praise of the deceased. These, in my opinion, can be no impertinent topics on this occasion; the discussion of them must be beneficial to this numerous company of Athenians and of strangers.

We are happy in a form of government which cannot envy the laws of our neighbors—for it hath served as a model to others, but is original at Athens. And this our form, as committed not to the few, but to the whole body of the people, is called a democracy. How different soever in a private capacity, we all enjoy the same general equality our laws are fitted to preserve; and superior honors just as we excel. The public administration is not confined to a particular family, but is attainable only by merit. Poverty is not a hindrance, since whoever is able to serve his country meets with no obstacle to preferment from his first obscurity. The offices of the state we go through without obstructions from one another; and live together in the mutual endearments of private life without suspicions; not angry with a neighbor for following the bent of his own humor, nor putting on that countenance of discontent, which pains though it cannot punish—so that in private life we converse without diffidence or damage, while we dare not on any account offend against the public, through the reverence we bear to the magistrates and the laws, chiefly to those enacted for redress of the injured, and to those unwritten, a breach of which is thought a disgrace. Our laws have further provided for the mind most frequent intermissions of care by the appointment of public recreations and sacrifices throughout the year, elegantly performed with a peculiar pomp, the daily delight of which is a charm that puts melancholy to flight. The grandeur of this our Athens causeth the produce of the whole earth to be imported here, by which we reap a familiar enjoyment, not more of the delicacies of our own growth than of those of other nations.

In the affairs of war we excel those of our enemies, who adhere to methods opposite to our own. For we lay open Athens to general resort, nor ever drive any stranger from us whom either improvement or curiosity hath brought amongst us, lest any enemy should hurt us by seeing what is never concealed. We place not so great a confidence in the preparatives and artifices of war as in the native warmth of our souls impelling us to action. In point of education the youth of some peoples are inured, by a course of laborious exercise, to support toil and exercise like men, but we, notwithstanding our easy and elegant way of life, face all the dangers of war as intrepidly as they. This may be proved by facts, since the Lacedæmonians never invade our territories barely with their own, but with the united strength of all their confederates. But when we invade the dominions of our neighbors, for the most part we conquer without difficulty in an enemy's country those who fight in defense of their own habitations. The strength of our whole force no enemy yet hath ever experienced, because it is divided by our naval expeditions, or engaged in the different quarters of our service by land. But if anywhere they engage and defeat a small party of our forces, they boastingly give it out a total defeat; and if they are beat, they were certainly overpowered by our united strength. What though from a state of inactivity rather than laborious exercise, or with a natural rather than an acquired valor, we learn to encounter danger? —this good, at least, we receive from it, that we never droop under the apprehension of possible misfortunes, and when we hazard the danger, are found no less courageous than those who are continually inured to it. In these respects our whole community deserves justly to be admired, and in many we have yet to mention.

In our manner of living we show an elegance tempered with frugality, and we cultivate philosophy without enervating the mind. We display our wealth in the season of beneficence, and not in the vanity of discourse. A confession of poverty is disgrace to no man, no effort to avoid it is disgrace indeed. There is visible in the same persons an attention to their own private concerns and those of the public; and in others engaged in the labors of life there is a competent skill in the affairs of government. For we are the only people who think him that does not meddle in state affairs—not indolent, but good for nothing. And yet we pass the soundest judgments, and are quick at catching the right apprehensions of things, not thinking that words are prejudicial to actions, but rather the not being duly prepared by previous debate before we are obliged to proceed to execution. Herein consists our distinguishing excellence, that in the hour of action we show the greatest courage, and yet debate beforehand the expediency of our measures. The courage of others is the result of ignorance; deliberation makes them cowards. And those undoubtedly must be owned to have the greatest souls, who, most acutely sensible of the miseries of war and the sweets of peace, are not hence in the least deterred from facing danger.

In acts of beneficence, further, we differ from the many. We preserve friends not by receiving, but by conferring, obligations. For he who does a kindness hath the advantage over him who, by the law of gratitude, becomes a debtor to his benefactor. The person obliged is compelled to act the more insipid part, conscious that a return of kindness is merely a payment and not an obligation. And we alone are splendidly beneficent to others, not so much from interested motives as for the credit of pure liberality. I shall sum up what yet remains by only adding that our Athens in general is the school of Greece; and that every single Athenian amongst us is excellently formed, by his personal qualification, for all the various scenes of active life, acting with a most graceful demeanor and a most ready habit of despatch.

That I have not on this occasion made use of a pomp of words, but the truth of facts, that height to which by such a conduct this state hath risen, is an undeniable proof. For we are now the only people of the world who are found by experience to be greater than in report—the only people who, repelling the attacks of an invading enemy, exempt their defeat from the blush of indignation, and to their tributaries yield no discontent, as if subject to men unworthy to command. That we deserve our power, we need no evidence to manifest. We have great and signal proofs of this, which entitle us to the admiration of the present and future ages. We want no Homer to be the herald of our praise; no poet to deck off a history with the charms of verse, where the opinion of exploits must suffer by a strict relation. Every sea hath been opened by our fleets, and every land hath been penetrated by our armies, which have everywhere left behind them eternal monuments of our enmity and our friendship.

In the just defense of such a state, these victims of their own valor, scorning the ruin threatened to it, have valiantly fought and bravely died. And every one of those who survive is ready, I am persuaded, to sacrifice life in such a cause.

And for this reason have I enlarged so much on national points, to give the clearest proof that in the present war we have more at stake than men whose public advantages are not so valuable, and to illustrate, by actual evidence, how great a commendation is due to them who are now my subject, and the greatest part of which they have already received. For the encomiums with which I have celebrated the state have been earned for it by the bravery of these and of men like these. And such compliments might be thought too high and exaggerated if passed on any Greeks but them alone. The fatal period to which these gallant souls are now reduced is the surest evidence of their merit—an evidence begun in their lives and completed in their deaths. For it is a debt of justice to pay superior honors to men who have devoted their lives in fighting for their country, though inferior to others in every virtue but that of valor. Their last service effaceth all former demerits—it extends to the public; their private demeanors reached only to a few. Yet not one of these was at all induced to shrink from danger, through fondness of those delights which the peaceful affluent life bestows—not one was the less lavish of his life, through that flattering hope attendant upon want, that poverty at length might be exchanged for affluence. One passion there was in their minds much stronger than these—the desire of vengeance on their enemies. Regarding this as the most honorable prize of dangers, they boldly rushed towards the mark to glut revenge and then to satisfy those secondary passions. The uncertain event they had already secured in hope; what their eyes showed plainly must be done they trusted their own valor to accomplish, thinking it more glorious to defend themselves and die in the attempt than to yield and live. From the reproach of cowardice, indeed, they fled, but presented their bodies to the shock of battle; when, insensible of fear, but triumphing in hope, in the doubtful charge they instantly dropped—and thus discharged the duty which brave men owe to their country.

As for you, who now survive them, it is your business to pray for a better fate, but to think it your duty also to preserve the same spirit and warmth of courage against your enemies; not judging of the expediency of this from a mere harangue—where any man indulging a flow of words may tell you what you yourselves know as well as he, how many advantages there are in fighting valiantly against your enemies—but, rather, making the daily-increasing grandeur of this community the object of your thoughts and growing quite enamored of it. And when it really appears great to your apprehensions, think again that this grandeur was acquired by brave and valiant men, by men who knew their duty, and in the moments of action were sensible of shame; who, whenever their attempts were unsuccessful, thought it dishonor their country should stand in need of anything their valor could do for it, and so made it the most glorious present. Bestowing thus their lives on the public, they have every one received a praise that will never decay, a sepulchre that will always be most illustrious—not that in which their bones lie moldering, but that in which their fame is preserved, to be on every occasion, when honor is the employ of either word or act, eternally remembered. For the whole earth is the sepulchre of illustrious men; nor is it the inscription on the columns in their native land alone that shows their merit, but the memorial of them, better than all inscriptions, in every foreign nation, reposited more durably in universal remembrance than on their own tombs. From this very moment, emulating these noble patterns, placing your happiness in liberty, and liberty in valor, be prepared to encounter all the dangers of war. For to be lavish of life is not so noble in those whom misfortunes have reduced to misery and despair, as in men who hazard the loss of a comfortable subsistence and the enjoyment of all the blessings this world affords by an unsuccessful enterprise. Adversity, after a series of ease and affluence, sinks deeper into the heart of a man of spirit than the stroke of death insensibly received in the vigor of life and public hope.

For this reason, the parents of those who are now gone, whoever of them may be attending here, I do not bewail—I shall rather comfort. It is well known to what unhappy accidents they were liable from the moment of their birth, and that happiness belongs to men who have reached the most glorious period of life, as these now have who are to you the source of sorrow—these whose life hath received its ample measure, happy in its continuance and equally happy in its conclusion. I know it in truth a difficult task to fix comfort in those breasts which will have frequent remembrances, in seeing the happiness of others, of what they once themselves enjoyed. And sorrow flows not from the absence of those good things we have never yet experienced, but from the loss of those to which we have been accustomed. They who are not yet by age past child-bearing should be comforted in the hope of having more. The children yet to be born will be a private benefit to some in causing them to forget such as no longer are, and will be a double benefit to their country in preventing its desolation and providing for its security. For those persons cannot in common justice be regarded as members of equal value to the public who have no children to expose to danger for its safety. But you, whose age is already far advanced, compute the greater share of happiness your longer time hath afforded for so much gain, persuaded in yourselves the remainder will be but short, and enlighten that space by the glory gained by these. It is greatness of soul alone that never grows old, nor is it wealth that delights in the latter stage of life, as some give out, so much as honor.

To you, the sons and brothers of the deceased, whatever number of you are here, a field of hardy contention is opened. For him who no longer is, every one is ready to commend, so that to whatever height you push your deserts, you will scarce ever be thought to equal, but to be somewhat inferior to these. Envy will exert itself against a competitor while life remains; but when death stops the competition, affection will applaud without restraint.

If after this it be expected from me to say anything to you who are now reduced to a state of widowhood, about female virtue, I shall express it all in one short admonition: It is your greatest glory not to be deficient in the virtue peculiar to your sex, and to give men as little handle as possible to talk of your behavior, whether well or ill.

I have now discharged the province allotted me by the laws, and said what I thought most pertinent to this assembly. Our departed friends have by facts been already honored. Their children from this day till they arrive at manhood shall be educated at the public expense of the state which hath appointed so beneficial a meed for these and all future relics of the public contests. For wherever the greatest rewards are proposed for virtue, there the best of patriots are ever to be found. Now let every one respectively indulge in becoming grief for his departed friends, and then retire.

GEORGE CLEMENT PERKINS

EXCLUSION OF THE CHINESE

[George Clement Perkins, United States senator from California, was born in Maine, in 1839. His early youth was spent on a farm, but at twelve he went to sea, was a cabin boy and then a sailor. In 1855 he shipped on a ship bound for San Francisco, leaving it when it reached there. He went to Oroville and entered business. Here he made a success, and followed it by engaging in mining, banking, milling, and the steamship business. He entered politics, and from 1868 to 1876 was state senator. He was elected governor of California in 1879, his term ending in 1883. He entered the Senate in 1893, where he has sat during the last decade, his term ending in 1903. One of his earliest speeches after entering the United States Senate was the following protest against Chinese immigration, delivered in the Senate, in 1893.]

THE immigration of the Chinese into this country has long since ceased to be a partisan political question. Men of all parties and creeds, who have a knowledge of these people, agree that they are a blight upon our industries and citizenship and an injury to our people. At the general election held in California in the fall of 1879, in accordance with a statute providing therefor, the question was submitted to the people of that state "for" and "against" the policy of permitting the unrestricted immigration of the Chinese to continue, and out of a total vote of 161,405 there were deposited in the ballot box only 883 votes for such immigration. Every day since that election has served only to convince the then almost unanimous opinion of our people that they were right. The Chinese do not, they cannot, they will not assimilate with us.

They know nothing about our free government, our standard of civilization, or American citizenship, and they care less. They know nothing and care nothing about our institutions, and they have no desire to learn about them. Our people of California believe in churches, in schools, in families, and the home; these are our citadels of liberty. The Chinese, on the contrary, care nothing about such matters. They have, it is true, a labor to sell, but it is a servile labor, a slave labor, for they are tied down by contracts of their own making, which places them in a condition worse than slavery; their servitude can never end, They take no more interest in our affairs than if they were not here. It matters not how long they remain with us, they go away ignorant of our American institutions, simply because they do not wish to learn.

For fear that we might in some way violate our treaty obligations, our people have yielded point after point in favor of the Chinese. They do not wish to yield any further, and insist that the law shall be enforced. They demand a law so adjusted and severe in its penalties that it cannot be evaded, discarded, or openly violated. They know that the ordinary Chinaman, by some mysterious process of reasoning, thinks that he represents a higher plane of civilization than our people occupy, and they want provisions enacted that will prevent them from clandestinely coming into this country against the laws of our land. But they also recognize the fact, for fact it is, that the enormity of the question is not understood or realized on this side of the mountains, for out of the 107,000 Chinese in this country, according to the last census, nearly 80,000 of them are living in California.

The Chinese are an undesirable class of people. This is the unprejudiced judgment of people who know them, after years of experience. They are, it is admitted, a remarkable people in many respects, and many things can be said in their favor, for no one can be so biased as not to recognize this; but on the whole, considering their good and their bad points, we should be much better off if they had never come among us, or if they would now go back again. Many industries which depend upon their labor would, it is admitted, temporarily suffer in California, but in time these would right themselves. Their presence among us has kept up a continual contention, which has done us steady harm. It has caused factions among ourselves, politically and religiously, and it has created misunderstandings and sectional strifes that have resulted injuriously to our common interests.

It has separated us, and it has caused us to some extent to lose confidence in each other's judgment. Bitter quarrels have resulted from their presence, and, worse than all, the morals of our youth, the promise of the future manhood of our country, have been undermined, for it has happened that, contrary to the experience with people of other nations, our youth have copied only the injurious traits and habits of the Chinese. They have copied their vices instead of their virtues. In this respect it is hardly possible to calculate the injury the Chinese have done us, and those who are to follow after us.

The Chinese have no respect for our laws, they violate our laws greatly out of proportion to any other number of people among us. In this connection I desire to state that I have recently received a letter from the chief of police of San Francisco, giving his experience of the Chinese in that city, which is a fair index of other cities relating to the Chinese. He has occupied the position for nearly half of his lifetime, and is one of the most faithful and conscientious officers in the performance of his duty. He has the respect and confidence of all who know him, and his opinion on this question can be taken as the truth, so far as it relates to his personal experiences with the Chinese. He says: —

OFFICE CHIEF OF POLICE,
SAN FRANCISCO, October 19, 1893.

DEAR SIR: Replying to your communication of the eleventh instant, asking the percentage of crime committed by the Chinese as against that of all other classes, and requesting my opinion as to the influence for evil that the Chinese have upon our young people, you are informed that the number of Chinese arrested for ten years ending June 30, 1893, is twenty thousand.

As compared with all other classes, about eleven per cent. of offenses charged is committed by them.

The principal offenses committed by the Chinese are "burglary," "larceny," "robbery," "murder," and "assault to murder"; "keeping opium dens," "gambling," "violating health and fire ordinances"; in fact, they have committed about every offense known to law.

In the cases of all other classes arrested about seventy per cent. are charged with drunkenness. Among the Chinese not three per cent. are arrested for the latter offense. I believe the influence for evil of the

Chinese over our young people is great, and particularly in the direction of immorality, gambling, and opium smoking. I will also add that with few exceptions they appear to have no respect for our laws; in fact, they are the most persistent lawbreakers known to the police.

There is a number of secret societies here, whose members are principally composed of highbinders, and whose object is to levy blackmail upon their countrymen, and, when not successful at that, they commit murder.

I tried with all the ingenuity I possessed to break up those societies in a legal way; but through their cunning, "of which they beat the world," I did not succeed.

Their outrageous acts became so numerous that the press attacked them very severely and forcibly, which caused me to assume the responsibility of sending a squad of police to raid their meetings, in which the united press endorsed my action.

I estimate the Chinese population to be at least fifteen thousand, and it will increase before the winter sets in, because they flock to this place at that season from all over the coast.

Yours truly,
P. Crowley, *Chief of Police.*

These things are sufficient for consideration by themselves, but they are not exactly what we should consider now. The Chinese are here; they are here in large numbers, and they are here under our pledge that they are to receive the same protection as the people of the most favored and desirable nation.

It was not intended by the present law to force them out, to remove those who are here rightfully, but to prevent the further coming of a class who are admittedly objectionable. The existing law requires those who are here to be registered, so that if any are found hereafter without being able to show a certificate of registry, it can be presumed that they are here without right, in violation of the provisions of the treaties and our law.

We do not desire to allow the number of the Chinese of the lower classes—the coolies—to be increased in this country. No people more than those of the Pacific coast recognize the value and nobility of labor, for "honest labor bears a lovely face," and no people ever had so much of it to do, to build up the homes they now enjoy, to build up a great commonwealth on the western shores of this continent, as the people of our state. They had to dig out of the rock the gold and silver that has enriched the world, and they had to level mountains to do so. They cultivated the fields, they planted the vines and trees that now furnish breadstuffs and fruits to all parts of the world. The tremendous labor they performed, and are performing, is a surprise to the world, and it was only by it that they made their civilization possible and secured the comforts which they enjoy to-day. There are none among them who do not glory in the results of labor. But there is labor and labor. The labor given by the Chinese is a debasing, a degrading labor. Why, sir, one of the principal curses of slavery in our midst in this fair land was, that the labor of the slave degraded instead of elevated our people, that it injured instead of benefited all who came in contact with it. Just so is the servile contract labor given by the Chinese. It produces results. Yes, but the results are not satisfactory, the results are obtained at the sacrifice of American citizenship.

I think that the servile contract labor of the Chinese is a greater curse on this land than the African slave-labor ever was. The man who owned a slave had a pecuniary interest in keeping him healthy, in providing for him. It was to his own financial interest to do this. But the employer of the Chinese contract-laborer cares for him only so long as he renders him service for the money he pays. It is more degrading, more debasing, more demoralizing to our people, if that is possible, than ever the slave labor of this country was.

What have we passed through to wipe out the curse of slavery in this land? Can we not read the lesson in history written in fire, in blood from the veins of the brightest men in this land to wipe out that great curse? Can we not profit by that lesson, and say here to-day, thus far shall you go, but no further shall the servile contract labor of China pollute this great republic?

The labor performed by the Chinese has injured far more than it has benefited, either in California or any other state in this Union. It is not the labor America demands and her people have the right to expect and receive. It pulls labor down from that high position of dignity which labor should occupy, and degrades it and keeps it down. It breeds contentions, it suggests and encourages difficulties, and it exasperates on all sides. It is not ennobling, it is not good, and it is not satisfactory. Labor is honorable, it matters not whether it is performed with a pick or shovel, by the sailor who mans the vessel, by the farmer who tills the soil, by the tool of the mechanic, the delicately adjusted instrument of the astronomer, or the scalpel of the surgeon. Labor is always honorable, but there is a great difference, there is an insufferable gulf, between labor and the work of the Chinese.

Every one who has watched the progress of both has long since observed that the curse of Chinese labor is that it is not independent, that it is secondary to other factors than that of the employer and the employés. It makes room for an intermediary, and it lacks the efficiency, the dignity of true labor, because it is deficient in the essentials.

Under our treaty (and we have not and do not want to violate any portion of it, either in spirit or letter) we are compelled legally and morally to protect the Chinese who are here with us, and we have done so, and will continue to do so while they are among us. Acting under that treaty—and its provisions were ample—our people thought they had a right, they knew they had a right, they believed it for the best interests of this country to exclude Chinese immigration, which we had a right to do under its provisions.

We also wish to enforce the exclusion act to the letter, and to aid us in that we enacted the registry law. And more than this we wish to stop continual agitation. We wish to have this Chinese question settled once for all time. We wish a rest and a chance to try the supposed benefits of the workings of the registration act. We desire to put a stop to the oft-repeated cry of injustice to the Chinese; to the idea that the people of California (and I want to say that the people of California are the equal of any in moral character, in beneficence, in philanthropy, in enterprise, in all things that go towards making up good American citizenship, of any people in the world) are cruel toward the Chinese. They are a people who compare in the most favorable light as a class with any in this great Republic.

It is unjust to them that an erroneous impression on this subject should get over the land. It is to them a great injustice, and it prevails not only in the Atlantic states, but in Europe and elsewhere. We have been misrepresented. No Chinaman has ever been there assaulted or injured, or has been in any greater danger at any time of being assaulted or injured, than any citizen of the commonwealth of Massachusetts. Our people will not tolerate, and have never tolerated, and have no disposition to wrong the humblest citizen among them, no matter whether he comes from the isles of the Pacific, from China, or from any other country.

We wish to convince the good people of our land. We desire to convince the church-going people, who have so numerously petitioned Congress in behalf of the Chinese, that the people of California are in full sympathy with them for the stand they take for good government and good morals. They recognize that every church is a beacon light of civilization, and is a bond for law and good society, and the sanctity of the home, and that, while the petitioners are undoubtedly actuated by the very best of motives and purposes, they are entirely unacquainted with the people for whom they so eloquently plead.

Kind-hearted, benevolent, and Christian men and women in California and the other Pacific states have organized in their churches Sabbath schools and aid societies, with a view to Christianize the Chinese, but I think it is safe to say that not two per cent. of the Chinese, after thirty years of earnest effort, have been converted to Christianity. It is clearly a case of love's labor lost.

The Chinese have their joss-houses, their palaces of worship in every block in Chinatown. They burn incense to their gods. They pay homage to the Evil One, because they say the God we teach them to worship can do no wrong, and therefore, if they can get on good terms with the Evil One they are all right, and so they pay tribute to him. But it is not the highest motive which prompts men to be good only because they fear punishment hereafter. I do not think much of that religious sect or man who embraces religion only because he fears the punishment which will come to him if he does not embrace it; rather let him embrace religion because its teachings are good and beautiful and elevating, and because God is love.

The people of California are generous to a fault; they are not engaged in any war against the Chinese. They are engaged, however, in something higher and nobler—in a contest to protect themselves, their reputation, their homes, and their youth from the contaminating influence of a people who are debasing to all who come within their radius. They do not wish to strike one blow at the Chinese, but they do wish to save themselves from the blighting influences which the Chinese have instituted in our midst; they do wish to enforce that protection which the laws give them, and to palliate, if possible, the operation of a treaty which this country has made, and which has been found to work most injuriously to their interests.

The people of California and the adjoining states are a cosmopolitan, but a law-abiding and high moral class, and they are a church-going people. They may be, and probably are, more broad-minded and careless about what particular form of religion is taught than people in any other part of the country, but they sympathize with every religious faith, sect, or creed which has for its object the bettering of the people and the elevation of their moral character. They have suffered from the Chinese, though in many instances they have benefited by their presence individually. They are anxious that the registration law shall be enforced as a means of preventing more Chinese from coming among us.

There are enough Chinese in this country now to experiment on, and our people are not willing that the experiment shall be conducted on any larger scale. Experience has demonstrated to them the evil of this great influx of these undesirable people, and they appeal to Congress for the remedial legislation which the registration and exclusion act promised.

It is not my intention or desire to discuss this measure at this time in a more detailed manner. There are so many objections to the Chinese that a mere recital of them would occupy more time than it would be proper or fitting for me to claim.

The Chinese are undesirable for many causes; but among the principal ones is the fact that their stay with us is only a passing event, and that none of them hope or expect to become permanent residents among us. They add nothing to our prosperity, and take everything they earn back to their own country. They would not if they could become citizens, and they are so careful about this that every one of them comes here with a contract that in event of his dying here his bones shall be sent back to the land of his ancestry.

That is why I used the expression that the Chinese Six Companies owned Chinamen, body and soul. They think they would never go to the flowery land of their ancestors if their bodies were permitted to remain here on our soil, and so in the contracts which they make, it is stipulated that their bones shall be sent back, and every steamer that leaves the port of San Francisco, and the port of Victoria, on Puget Sound, carries back boxes and boxes of the bones of these dead Chinamen.

I will add that the Chinese differ in this respect from every other class of people that come among us. The contract which is made is not one of filial love or brotherly affection. The last service of shipping the bones of Chinamen is not done by some sorrowing friend, who gathers them and sends them back that they may rest in peace in the home cemetery, but by these cold-hearted agents of the Six Companies, who perform the service for so much consideration, which is " nominated in the bond."

The United States collector of internal revenue in San Francisco and also some of the leading statisticians of the leading journals of the West have made a computation and they estimate—and they are very competent to do so—that the Chinese have taken back in the thirty years they have been in this country the enormous sum of $810,000,000. This, in the minds of those who have had experience with the Chinese, is sufficient to satisfy them that the Chinese, leaving all other questions aside, are undesirable, not to use a harsher word.

I have not gone into the details of this question to show in what manner these people live and how they are crowded together, contrary to all sanitary laws and all regulation which every one recognizes who wishes to enjoy health. I shall not attempt to describe to you their food, ninety-six per cent. of which consists of rice and tea. They contribute nothing to the support of our country.

In answer to what I have said, it may be replied, "They have contributed of their labor, have they not? They benefited you by giving you their services in building canals, in building railroads, in cultivating the land, in building ditches." Yes, I must answer in the affirmative; but, as I have said before it is a contract, a servile labor, which is contrary to our laws and which is degrading to American manhood. It is, I repeat, a labor more humbling and more debasing than slave labor. If the same labor had been given to others —and it would have been except for the presence of the Chinese—the result of the labor would have been left in our country by those who, from love of our institutions, would have become citizens of this great Republic; who would have built up their homes, raised their families, supported our public schools and other institutions, and thus have become factors in this great government.

The demand for exclusion, and for registration as a means of aiding the exclusion, I reiterate, does not come from the so-called "hoodlums" and "sand-lotters," of whom so much has been printed in the public press in the Atlantic cities; but it comes from the thoughtful people of our state, who are most interested; it comes from the fathers, from the mothers, from the guardians of the youth of the state, and from those who are interested in the advancement and prosperity of this great country. It is a universal demand, and it is for this reason that I do not think the Chinese have any claim upon the country or upon Congress to ask for this extension of the law which they have violated deliberately, intentionally, and contrary to the mandates of Congress.

But in marked contrast to those who have refused to obey the law, in marked contrast with the Chinese, I wish to say that the people of the Pacific coast, from the state of Washington to California, all over that beautiful land which waters the western part of this great Union of states, will bow in submission to the will of Congress, for they are a law-abiding, liberty-loving, and patriotic people.

We of the sunset land of the nation have an abiding faith in the wisdom, justice, and patriotism of our fellow citizens of these great United States. We believe that as soon as you investigate and understand the real question at issue we shall have your sympathy and coöperation in banishing from our midst this growing evil.

As common citizens of a progressive Republic, it is our duty to stand shoulder to shoulder in repelling the invasion of not only the coolie of Asia, but also the pauper, the criminal, the contract-laborer of Europe. Let our school bells ring out their peals from hill and dale, from the mountains to the sea, from every hamlet in the land, that we have resolved it to be our bounden duty, first, to educate and rear the children of our own citizens and prepare them for the high duty of American citizenship, before we permit others to come in and usurp their places.

CHARLES PHILLIPS

THE DINAS ISLAND SPEECH

[Charles Phillips, barrister and orator, was born in Sligo, Ireland, about 1787. Here he received his early education, going at the age of fifteen to Trinity College, Dublin, where he graduated in 1806. He was admitted to the Irish bar in 1812. He joined the Connaught circuit, and speedily made a reputation by his florid style of oratory, which, though effective with jurors, was condemned by the critics of the bar. He took a principal part in the agitation regarding Catholic emancipation, and in 1813 he was presented with a national testimonial, and publicly thanked by the Catholic board. O'Connell eulogized him warmly, which good turn Phillips reciprocated. In 1812 he was called to the English bar, where his reputation had already become known. It was reported that he was offered a judicial appointment in Calcutta; but in 1842 he was appointed commissioner of the Bankruptcy Court of Liverpool. In 1846 he obtained the post of commissioner of the Insolvent Debtors' Court of London, in which city he died in 1859. The speech that follows was made at a public banquet given at Dinas Island, in Lake Killarney, in 1820, in response to a toast to his health.]

IT is not with the vain hope of returning by words the kindnesses which have been literally showered on me during the short period of our acquaintance, that I now interrupt, for a moment, the flow of your festivity. Indeed, it is not necessary; an Irishman needs no requital for his hospitality; its generous impulse is the instinct of his nature, and the very consciousness of the act carries its recompense along with it. But, sir, there are sensations excited by an allusion in your toast, under the influence of which silence would be impossible. To be associated with Mr. Payne must be, to any one who regards private virtues and personal accomplishments, a source of peculiar pride; and that feeling is not a little enhanced in me by a recollection of the country to which we are indebted for his qualifications. Indeed, the mention of America has never failed to fill me with the most lively emotions. In my earliest infancy, that tender season when impressions, at once the most permanent and the most powerful, are likely to be excited, the story of her then recent struggle raised a throb in every heart that loved liberty, and wrung a reluctant tribute even from discomfited oppression. I saw her spurning alike the luxuries that would enervate and the legions that would intimidate; dashing from her lips the poisoned cup of European servitude, and, through all the vicissitudes of her protracted conflict, displaying a magnanimity that defied misfortune, and a moderation that gave new grace to victory. It was the first vision of my childhood; it will descend with me to the grave. But if, as a man, I venerate the mention of America, what must be my feelings toward her as an Irishman! Never, oh, never, while memory remains, can Ireland forget the home of her emigrant and the asylum of her exile. No matter whether their sorrows sprung from the errors of enthusiasm or the realities of suffering—from fancy or infliction—that must be reserved for the scrutiny of those whom the lapse of time shall acquit of partiality. It is for the men of other ages to investigate and record it; but surely it is for the men of every age to hail the hospitality that received the shelterless, and love the feeling that befriended the unfortunate. Search creation around; where can you find a country that presents so sublime a view, so interesting an anticipation? What noble institutions! What a comprehensive policy! What a wise equalization of every political advantage! The oppressed of all countries, the martyrs of every creed, the innocent victim of despotic arrogance or superstitious frenzy, may there find refuge; his industry encouraged, his piety respected, his ambition animated; with no restraint but those laws which are the same to all, and no distiction but that which his merit may originate. Who can deny that the existence of such a country presents a subject for human congratulation? Who can deny that its gigantic advancement offers a field for the most rational conjecture? At the end of the very next century, if she proceeds as she seems to promise, what a wondrous spectacle may she not exhibit! Who shall say for what purpose a mysterious Providence may not have designed her? Who shall say that when in its follies or its crimes the Old World may have interred all the pride of its power, and all the pomp of its civilization, human nature may not find its destined renovation in the New? For myself, I have no doubt of it. I have not the least doubt that when our temples and our trophies shall have moldered into dust—when the glories of our name shall be but the legend of tradition, and the light of our achievements only live in song, philosophy will rise again in the sky of her Franklin, and glory rekindle at the urn of her Washington. Is this the vision of romantic fancy? Is it even improbable? Is it half so improbable as the events, which, for the last twenty years, have rolled like successive tides over the surface of the European world, each erasing the impressions that preceded it? Thousands upon thousands, sir, I know there are, who will consider this supposition as wild and whimsical; but they have dwelt with little reflection upon the records of the past. They have but ill observed the never-ceasing progress of national rise and national ruin. They form their judgment on the deceitful stability of the present hour, never considering the innumerable monarchies and republics in former days, apparently as permanent, their very existence become now the subjects of speculation—I had almost said of skepticism. I appeal to history! Tell me, thou reverend chronicler of the grave, can all the illusions of ambition realized, can all the wealth of a universal commerce, can all the achievements of successful heroism, or all the establishments of this world's wisdom, secure to empire the permanency of its possessions? Alas! Troy thought so once; yet the land of Priam lives only in song! Thebes thought so once; yet her hundred gates have crumbled, and her very tombs are but as the dust they were vainly intended to commemorate! So thought Palmyra—where is she? So thought Persepolis, and now—

> "Yon waste, where roaming lions howl,
> Yon aisle, where moans the gray-eyed owl,
> Shows the proud Persian's great abode,
> Where sceptered once, an earthly god,
> His power-clad arm controlled each happier clime,
> Where sports the warbling muse, and fancy soars sublime."

So thought the countries of Demosthenes and the Spartan, yet Leonidas's is trampled by the timid slave, and Athens insulted by the servile, mindless, and enervate Ottoman! In his hurried march Time has but looked at their imagined immortality; and all its vanities, from the palace to the tomb, have, with their ruins, erased the very impression of his footsteps! The days of their glory are as if they had never been; and the island that was then a speck, rude and neglected in the barren ocean, now rivals the ubiquity of their commerce, the glory of their arms, the fame of their philosophy, the eloquence of their senate, and the inspiration of their bards! Who shall say, then, contemplating the past, that England, proud and potent as she appears, may not one day be what Athens is, and the young America yet soar to be what Athens was! Who shall say, when the European column shall have moldered, and the night of barbarism obscured its very ruins, that that mighty continent may not emerge from the horizon, to rule, for its time, sovereign of the ascendant!

Such, sir, is the natural progress of human operations, and such the unsubstantial mockery of human pride. But I should, perhaps, apologize for this digression. The tombs are, at best, a sad, although an instructive, subject. At all events, they are ill suited to such an hour as this. I shall endeavor to atone for it by turning to a theme which tombs cannot inurn or revolution alter. It is the custom of your board, and a noble one it is, to deck the cup of the gay with the garland of the great; and surely, even in the eyes of its deity, his grape is not the less lovely when glowing beneath the foliage of the palm tree and the myrtle. Allow me to add one flower to the chaplet, which, though it sprang in America, is no exotic. Virtue planted it, and it is naturalized everywhere. I see you anticipate me—I see you concur with me, that it matters very little what immediate spot may be the birthplace of such a man as Washington. No people can claim, no country can appropriate him; the boon of Providence to the human race, his fame is eternity and his residence creation. Though it was the defeat of our arms and the disgrace of our policy, I almost bless the convulsion in which he had his origin. If the heavens thundered and the earth rocked, yet, when the storm passed, how pure was the climate that it cleared; how bright in the brow of the firmament was the planet which it revealed to us! In the production of Washington it does really appear as if nature were endeavoring to improve upon herself, and that all the virtues of the ancient world were but so many studies preparatory to the patriot of the new. Individual instances no doubt there were; splendid exemplifications of some single qualification. Cæsar was merciful, Scipio was continent, Hannibal was patient; but it was reserved for Washington to blend them all in one, and, like the lovely *chef d'œuvre* of the Grecian artist, to exhibit in one glow of associated beauty the pride of every model and the perfection of every master. As a general he marshaled the peasant into a veteran and supplied by discipline the absence of experience; as a statesman, he enlarged the policy of the cabinet into the most comprehensive system of general advantage; and such was the wisdom of his views and the philosophy of his counsels, that to the soldier and the statesman he almost added the character of the sage! A conqueror, he was untainted with the crime of blood; a revolutionist, he was free from any stain of treason; for aggression commenced the contest, and his country called him to the command. Liberty unsheathed his sword, necessity stained, victory returned it. If he had paused here history might have doubted what station to assign him, whether at the head of her citizens or her soldiers, her heroes or her patriots. But the last glorious act crowns his career and banishes all hesitation. Who, like Washington, after having emancipated a hemisphere, resigned its crown, and preferred the retirement of domestic life to the adoration of a land he might be almost said to have created?

> "How shall we rank thee upon glory's page,
> Thou more than soldier, and just less than sage?
> All thou hast been reflects less fame on thee,
> Far less than all thou hast forborne to be!"

Such, sir, is the testimony of one not to be accused of partiality in his estimate of America. Happy, proud America! the lightnings of heaven yielded to your philosophy! The temptations of earth could not seduce your patriotism!

I have the honor, sir, of proposing to you as a toast—

"The immortal memory of George Washington."

WENDELL PHILLIPS

JOHN BROWN AND THE SPIRIT OF FIFTY-NINE

[Wendell Phillips, philanthropist and orator, was born in Boston in 1811. He graduated from Harvard in 1831, studied and was admitted to the bar in 1834. As early as 1835 he allied himself with the abolition cause. In 1839 he threw up his law practice because he could not conscientiously swear allegiance to the Federal constitution. Believing it an unrighteous compact between freedom and slavery, he refused to recognize its authority and really advocated disunion up to the time of the Civil War, when with the Garrison wing of the anti-slavery party he favored sustaining the government, foreseeing that the end of the conflict would be the freeing of the slaves. In 1863 he began to advocate arming, educating, and enfranchising the freedmen, and in 1865 became president of the Anti-slavery Society, which continued its existence until the passing of the Fifteenth Amendment in 1870. The rest of his life, which ended in 1884, was devoted to lecturing and public pleading. He was without a rival in vigorous elegance of oratory. The speech that follows was made in Boston, 1859, soon after the execution of John Brown, near Harper's Ferry.]

I BELIEVE in moral suasion. I believe the age of bullets is over. I believe the age of ideas is come. I think that is the preaching of our country. The old Hindoo dreamed, you know, that he saw the human race led out to its varied fortune. First, he saw men bitted and curbed, and the reins went back to an iron hand. But his dream changed on and on, until at last he saw men led by reins that came from the brain, and went back into an unseen hand. It was the type of governments; the first a government of despotism, palpable iron; and the last our government—a government of brains, a government of ideas. I believe in it—in public opinion.

Yet, let me say, in passing, that I think you can make a better use of iron than forging it into chains. If you must have the metal, put it into Sharpe's rifles. It is a great deal better used that way than in fetters—a great deal better used than in a clumsy statue of a mock great man, for hypocrites to kneel down and worship in a state-house yard. [Hisses.] I am so unused to hisses lately that I have forgotten what I had to say. I only know I meant what I did say.

My idea is, public opinion, literature, education, as governing elements.

But some men seem to think that our institutions are necessarily safe because we have free schools and cheap books and a public opinion that controls. But that is no evidence of safety. India and China have had schools, and a school system almost identical with that of Massachusetts, for fifteen hundred years. And books are as cheap in central and northern Asia as they are in New York. But they have not secured liberty, nor secured a controlling public opinion to either nation. Spain for three centuries had municipalities and town governments, as independent and self-supporting, and as representative of thought, as New England or New York has. But that did not save Spain. De Tocqueville says that fifty years before the great revolution, public opinion was as omnipotent in France as it is to-day, but it did not save France. You cannot save men by machinery. What India and France and Spain wanted was live men, and that is what we want to-day; men who are willing to look their own destiny and their own functions and their own responsibilities in the face. "Grant me to see, and Ajax wants no more," was the prayer the great poet put into the lips of his hero in the darkness that overspread the Grecian camp. All we want of American citizens is the opening of their own eyes, and seeing things as they are. To the intelligent, thoughtful, and determined gaze of twenty millions of Christian people there is nothing—no institution wicked and powerful enough to be capable of standing against it. In Keats's beautiful poem of "Lamia," a young man had been led captive by a phantom girl, and was the slave of her beauty until the old teacher came in and fixed his thoughtful eye upon the figure, and it vanished, and the pupil started up himself again!

You see the great Commonwealth of Virginia fitly represented by a pyramid standing upon its apex. A Connecticut-born man entered at one corner of her dominions, and fixed his cold gray eye upon the government of Virginia, and it almost vanished in his very gaze. For it seems that Virginia asked leave "to be" of John Brown at Harper's Ferry. Connecticut has sent out many a schoolmaster to the other thirty states; but never before so grand a teacher as that Litchfield-born schoolmaster at Harper's Ferry, writing upon the Natural Bridge in the face of nations his simple copy: "Resistance to tyrants is obedience to God."

I said that the lesson of the hour was insurrection. I ought not to apply that word to John Brown, of Ossawatomie, for there was no insurrection in his case. It is a great mistake to call him an insurgent. This principle that I have endeavored so briefly to open to you, of absolute right and wrong, states what? Just this: "Commonwealth of Virginia!" There is no such thing. No civil society, no government can exist, except on the basis of the willing submission of all its citizens, and by the performance of the duty of rendering equal justice between man and man.

Everything that calls itself a government, and refuses that duty, or has not that assent, is no government. It is only a pirate ship. Virginia—the Commonwealth of Virginia! She is only a chronic insurrection. I mean exactly what I say. I am weighing my words now. She is a pirate ship, and John Brown sails the sea a Lord High Admiral of the Almighty, with his commission to sink every pirate he meets on God's ocean of the nineteenth century. I mean literally and exactly what I say. In God's world there are no majorities, no minorities; one, on God's side, is a majority. You have often heard that here, doubtless, and I need not tell you its ground in morals. The rights of that one man are as sacred as those of the miscalled Commonwealth of Virginia. Virginia is only another Algiers. The barbarous horde who gag one another, imprison women for teaching children to read, prohibit the Bible, sell men on the auction blocks, abolish marriage, condemn half their women to prostitution, and devote themselves to the breeding of human beings for sale, is only a larger and blacker Algiers. The only prayer of a true man for such is: "Gracious heaven! unless they repent, send soon their Exmouth and Decatur." John Brown has twice as much right to hang Governor Wise as Governor Wise has to hang him. You see, I am talking of that absolute essence of things that lives in the sight of the Eternal and the Infinite; not as men judge it in the rotten morals of the nineteenth century, among a herd of states that calls itself an empire, because it weaves cotton and sells slaves. What I say is this: Harper's Ferry was the only government in that vicinity. Respecting the trial, Virginia, true to herself, has shown exactly the same haste that the pirate does when he tries a man on deck, and runs him up to the yard-arm. Unconsciously, she is consistent. Now, you do not think this to-day, some of you, perhaps. But I tell you what absolute history shall judge of these forms and phantoms of ours. John Brown began his life, his active life, in Kansas. The South planted that seed; it reaps the first fruit now.

Twelve years ago the great men in Washington, the Websters and the Clays, planted the Mexican War; and they reaped their appropriate fruit in General Taylor and General Pierce pushing them from their statesmen's stools. The South planted the seeds of violence in Kansas, and taught peaceful Northern men familiarity with bowie knife and revolvers. They planted nine hundred and ninety-nine seeds, and this is the first one that has flowered; this is the first drop of the coming shower. People do me the honor to say, in some of the Western papers, that this is traceable to some teachings of mine. It is too much honor to such as I am. Gladly, if it were not fulsome vanity, would I clutch this laurel of having any share in the great resolute daring of that man who flung himself against an empire in behalf of justice and liberty. They were not the bravest men who fought at Saratoga and Yorktown in the war of 1776. Oh, no! It was rather those who flung themselves, at Lexington, few and feeble, against the embattled ranks of an empire, till then thought irresistible. Elderly men in powdered wigs and red velvet smoothed their ruffles, and cried: "Madmen!" Full-fed customhouse men said: "A pistol shot against Gibraltar!" But Captain Ingraham, under the Stars and Stripes, dictating terms to the fleet of the Cæsars, was only the echo of that Lexington gun. Harper's Ferry is the Lexington of to-day. Up to this moment Brown's life has been one of unmixed success. Prudence, skill, courage, thrift, knowledge of his time, knowledge of his opponents, undaunted daring in the face of the nation—he had all these. He was the man who could leave Kansas and go into Missouri, and take eleven men and give them liberty, and bring them off on the horses which he carried with him—two of which he took as tribute from their masters, in order to facilitate escape. Then when he had passed his human protégés from the vulture of the United States to the safe shelter of the English lion, this is the brave, frank, and sublime truster in God's right and absolute justice, that entered his name in the city of Cleveland, "John Brown, of Kansas," and advertised there two horses for sale, and stood in front of the auctioneer's stand, notifying all bidders of the defect in the title. But he added with nonchalance when he told the story: "They brought a very excellent price." This is the man who, in the face of the nation, avowing his right, and endeavoring by what strength he had in behalf of the wronged, goes down to Harper's Ferry to follow up his work. Well, men say he failed. Every man has his Moscow. Suppose he did fail—every man meets his Waterloo at last. There are two kinds of defeat. Whether in chains or in laurels, Liberty knows nothing but victories. Bunker Hill soldiers call a defeat! But Liberty dates from it, though Warren lay dead on the field. Men say the attempt did not succeed. No man can command success. Whether it was well planned, and deserved to succeed, we shall be able to decide when Brown is free to tells us all he knows. Suppose he did fail, he has done a great deal still. Why, this is a decent country to live in now. Actually, in this Sodom of ours, seventeen men have been found ready to die for an idea. God be thanked for John Brown, that he has discovered or created them. I should feel some pride if I were in Europe now in confessing that I was an American. We have redeemed the long infamy of twenty years of subservience. But look back a bit. Is there anything new about this? Nothing at all. It is the natural result of anti-slavery teaching. For one, I accept it; I expected it. I cannot say that I prayed for it; I cannot say that I hoped for it; but at the same time no sane man has looked upon this matter for twenty years and supposed that we could go through the great moral convulsion, the great classes of society clashing and jostling against one another like frigates in a storm, and that there would not be such scenes as these.

Why, in 1835 it was the other way. Then it was my bull that gored your ox. Their ideas came in conflict, and men of violence, and men who had not made up their minds to wait for the slow conversion of conscience, men who trusted in their own right hands, men who believed in bowie knives —why, such sacked the city of Philadelphia, such made New York to be governed by a mob; Boston saw its mayor suppliant and kneeling to the chief of broadcloth in broad daylight. It was all on that side. The natural result, the first result of this starting of ideas, is like people who get half-awaked and use the first weapons that appear to them. The first developing and unfolding of national life were the mobs of 1835. People said it served us right; we had no right to the luxury of speaking our own minds; it was too expensive; these lavish, luxurious persons walking about here and actually saying what they think! Why, it was like speaking aloud in the midst of avalanches. To say "Liberty" in a loud tone, the Constitution of 1789 might come down —it would not do. But now things have changed. We have been talking thirty years. Twenty years we have talked everywhere, under all circumstances; we have been mobbed out of great cities and pelted out of little ones; we have been abused by great men and by little papers. What is the result? The tables have been turned; it is your bull that has gored my ox, now. And men that still believe in violence, the five points of whose faith are the fist, the bowie knife, fire, poison, and the pistol, are ranged on the side of Liberty, and, unwilling to wait for the slow but sure steps of thought, lay on God's altar the best they have. You cannot expect to put a real Puritan Presbyterian, as John Brown is —a regular Cromwellian dug up from two centuries ago— in the midst of our New England civilization, that dares not say its soul is its own, nor proclaim that it is wrong to sell a man at auction, and not have him show himself as he is. Put a hound in the presence of a deer, and he springs at his throat if he is a true bloodhound. Put a Christian in the presence of sin, and he will spring at its throat, if he is a true Christian. And so into an acid we might throw white matter, but unless it is chalk it will not produce agitation. So if in a world of sinners you were to put American Christianity, it would be calm as oil; but put one Christian like John Brown of Ossawatomie, and he makes the whole crystallize into right and wrong, and marshal themselves on one side or the other. and God makes him the text, and all he asks of our comparatively cowardly lips is to preach the sermon and to say to the American people that, whether that old man succeeded in a worldly sense or not, he stood a representative of law, of government, of right, of justice, of religion, and they were pirates that gathered around him and sought to wreak vengeance by taking his life. The banks of the Potomac are doubly dear now to history and to man! The dust of Washington rests there; and history will see forever on that riverside the brave old man on his pallet, whose dust, when God calls him hence, the Father of his Country would be proud to make room for beside his own. But if Virginia tyrants dare hang him, after this mockery of a trial, it will take two more Washingtons at least to make the name of the state anything but abominable to ages that come after. Well, I say what I really think. George Washington was a great man. Yes, I say what I really think. And I know, ladies and gentlemen, that, educated as you have been by the experience of the last ten years here, you would have thought me the silliest as well as the most cowardly man in the world if I should have come, with my twenty years behind me, and talked about anything else to-night except that great example which one man has set us on the banks of the Potomac. You expected, of course, that I should tell you my opinion of it.

I value this element that Brown has introduced into American politics for another reason. The South is a great power. There are no cowards in Virginia. It was not cowardice. Now, I try to speak very plainly, but you will misunderstand me. There is no cowardice in Virginia. The people of the South are not cowards. The lunatics in the Gospel were not cowards when they said: "Art thou come to torment us before the time?" They were brave enough, but they saw afar off. They saw the tremendous power that was entering into that charmed circle; they knew its inevitable victory. Virginia did not tremble at an old gray-headed man at Harper's Ferry; they trembled at a John Brown in every man's own conscience. He had been there many years, and, like that terrific scene which Beckford has drawn for us in his Hall of Eblis, where all ran around, each man with an incurable wound in his bosom, and agreed not to speak of it, so the South has been running up and down its political and social life, and every man keeps his right hand pressed on the secret and incurable sore, with an understood agreement, in church and state, that it never shall be mentioned for fear the great ghastly fabric shall come to pieces at the talismanic word. Brown uttered it, and the whole machinery trembled to its very base.

I value that moment. Did you ever see a blacksmith shoe a restless horse? If you have, you have seen him take a small cord and tie the horse's upper lip. If you ask him what he does it for, he will tell you he does it to give the beast something to think of. Now, the South has extensive schemes. She grasps with one hand at Mexico, and with the other dictates terms to the Church. She imposes conditions on the United States. She buys up Webster with a little, and Everett with nothing. John Brown has given her something else to think of. He has turned her attention inwardly. He has taught her that there has been created a new element in this Northern mind; that it is not merely the thinker, that it is not merely the editor, that it is not merely the moral reformer, but the idea has pervaded all classes of society. Call them madmen, if you will. It is hard to tell who's mad. The world says one man is mad. John Brown said the same of the governor. You remember the madman in Edinburgh; a friend asked him what he was there for. " Well," said he, " they said at home that I was mad, and I said I was not, but they had the majority." Just so it is in regard to John Brown. The nation says he is mad. I appeal from Philip drunk to Philip sober; I appeal from the American people drunk with cotton and the utterances of the New York Observer to the American people fifty years hence, when the light of civilization has had more time to penetrate; when self-interest has been rebuked by the world rising and giving its verdict on these great questions; when it is not a small band of abolitionists, but the civilization of the nineteenth century, that undertakes to enter the arena and discuss its last great reform. When that day comes, what shall be thought of these first martyrs who teach us how to live and how to die?

Suppose John Brown had not stayed at Harper's Ferry. Suppose on that momentous Monday night, when the excited imaginations of two thousand Charleston people had enlarged him and his little band into four hundred white men and two hundred blacks, he had vanished, and when the gallant troops arrived there, two thousand strong, they had found nobody! The mountains would have been peopled with enemies; the Alleghanies would have heaved with insurrection. You never would have convinced Virginia that all Pennsylvania was not armed and on the hills. Virginia has not slept soundly since Nat Turner had an insurrection in 1831, and she bids fair never to have a nap now. For this is not an insurrection; this is the penetration of a different element. Mark you, it is not the oppressed race rising. Recollect history. There never was a race held in chains that absolutely vindicated its own liberty, but one. There never was a serf nor a slave whose own sword cut off his own chain, but one. Blue-eyed, light-haired Anglo-Saxons, it was not our race. We were serfs for three centuries, and we waited till commerce and Christianity and a different law had melted our fetters. We were crowded down into a villenage which crushed out our manhood so thoroughly that we hadn't vigor enough to redeem ourselves. Neither did France, neither did Spain, neither did the Northern nor the Southern races of Europe have that bright spot on their escutcheon—that they put an end to their slavery. Blue-eyed, haughty, contemptuous Anglo-Saxons, it was the black—the only race in the record of history that ever, after a century of oppression, retained the vigor to write the charter of its emancipation with its own hand in the blood of the dominant race. Despised, calumniated, slandered Santo Domingo is the only instance in history where a race, with indestructible love of justice, serving a hundred years of oppression, rose up under their own leader and with their own hands abolished slavery on their own soil. Wait, garrulous, vainglorious, boasting Saxon, till we have done as much before we talk of the cowardice of the black race.

The slaves of our country have not risen; but, as in all other cases, redemption will come from the interference of a wiser, higher, more advanced civilization on its exterior. It is the universal record of history, and ours is the repetition of the same scene in the drama. We have awakened at last the enthusiasm of both classes—those that act from impulse and those that act from calculation. It is a libel on the Yankee to assert that it includes the whole race, when you say that if you put a dollar on the other side of hell, the Yankee will spring for it at any risk; for there is an element even in Yankee blood that obeys ideas—there is an impulsive, enthusiastic aspiration—something left to us from the old Puritan stock—that which made England what she was two centuries ago—that which is fated to give the closest grapple with the slave power to-day. This is an invasion by outside power. Civilization in 1600 crept along our shores, now planting her foot, then retreating—now gaining a foothold, and then receding before barbarism—till at last came Jamestown and Plymouth, then thirty states. Harper's Ferry is, perhaps, one of Raleigh's or Goswold's colonies, vanishing and to be swept away. By-and-bye will come the immortal One Hundred and Plymouth Rock, with "Manifest Destiny" written by God's hand on their banner, and the right of unlimited "Annexation" granted by heaven itself.

It is the lesson of the age. The first cropping out of it is in such a man as John Brown. He did not measure his means; he was not thrifty as to his method; he did not calculate closely enough, and he was defeated. What is defeat? Nothing but education—nothing but the first step to something better. All that is wanted is that this public opinion shall not creep around like a servile coward, and unbought, but corrupt, disordered, insane public opinion proclaim that Governor Wise, because he says he is a governor, is a governor—that Virginia is a state because she says so.

Thank God! I am not a citizen. You will remember, all of you, citizens of the United States, that there was not a Virginia gun fired at John Brown. Hundreds of well-armed Maryland and Virginia troops that went there never dared to pull a trigger. You shot him! Sixteen marines, to whom you pay eight dollars a month—your own representatives! When the disturbed state could not stand on her own legs for trembling, you went there and strengthened the feeble knees and held up the palsied hand. Sixteen men with the vulture of the Union above them—your representatives! It was the covenant with death, and agreement with hell, which you call the Union of thirty states that took the old man by the throat with a pirate hand; and it will be the disgrace of our civilization if a gallows is ever erected in Virginia that bears his body. "The most resolute man I ever saw," says Governor Wise, "the most daring, the coolest. I would trust his truth about any question." The sincerest! Sincerity, courage, resolute daring! Virginia has nothing, nothing for those qualities but a scaffold! In her broad dominion she can only afford him six feet for a grave! God help the commonwealth that bids such welcome to the noblest qualities that can grace poor human nature! Yet that is the acknowledgment of Governor Wise himself.

They say it costs the officers and persons of responsible positions more effort to keep hundreds of startled soldiers from shooting the five prisoners sixteen marines had made than it cost those marines to take the armory itself. Soldiers and civilians—both alike—only a mob fancying itself a government! And mark you, I have said they were not a government. They not only are not a government, but they have not even the remotest idea of what a government is. They do not begin to have the faintest conception of what a civilized government is. Here is a man arraigned before a jury, or about to be. The state of Virginia, as she calls herself, is about to try him. The first step in that trial is a jury; the second is a judge; and at the head stands the chief executive of the state, who is to put his hand to the death warrant before it can be executed; and yet that very executive, who, according to the principles of the sublimest chapter in Algernon Sidney's immortal book, is bound by the very responsibility that rests on him to keep his mind impartial as to the guilt of the person arraigned, hastens down to Richmond, hurries down to the platform, and proclaims to the assembled Commonwealth of Virginia: "The man is a murderer and ought to be hanged." Almost every lip in the state might have said it, except that single lip of its governor; and the moment he had uttered these words, in the theory of the English law, it was not possible to impanel an impartial jury in the Commonwealth of Virginia; it was not possible to get the materials and the machinery to try him according to even the ugliest pattern of English jurisprudence. And yet the governor does not know that he has written himself down a non compos! And the commonwealth that he governs supposes that it is still a Christian polity! They have not the faintest conception of what goes to make up government. The worst Jeffries that ever, in his most drunken hour, climbed up a lamp-post in the streets of London would not have tried a man who could not stand on his feet. There is no such record in the blackest roll of tyranny. If Jeffries could speak, he would thank God that at last his name might be taken down from the gibbet of history, since the Virginia bench has made his worst act white, set against the blackness of this modern infamy. And yet the New York press daily prints the accounts of the trial. Trial? The inquisition used to break every other bone in a man's body, and then lay him on a pallet, giving him neither counsel nor opportunity to consult one, and then wring from his tortured mouth something like a confession, and call it a trial! But it was heaven-robed innocence compared with the trial, or what the New York press call so, that has been going on in startled, frightened Charleston. I speak what I know, and I speak what is but the breath and whisper of the summer breezes compared with the tornado of rebuke that will come back from the press of Great Britain, when they hear that we affect to call that a jury trial, and blacken the names of judge and jury by baptizing these pirate orgies with such honorable appellations.

I wish I could say anything worthy of the great deed which has taken place in our day—the opening of the sixth seal, the pouring out of the last vial but one on a corrupt and giant institution. I know that many men will deem me a fanatic for uttering this wholesale vituperation, as it will be called, upon a state, and this endorsement of a madman. I can only say that I have spoken on this anti-slavery question before the American people twenty years; that I have seen the day when this same phase of popular opinion was on the other side. You remember the first time I was ever privileged to stand on this platform by the magnanimous generosity of your clergymen, when New York was about to bully and crush out the freedom of speech at the dictation of Captain Rynders. From that day to this, the same braving of public thought has been going on from here to Kansas, until it bloomed in the events of the last three years. It has changed the whole face of the sentiment in these Northern states. You meet with the evidence of it everywhere. When the first news of Harper's Ferry came to Massachusetts, if you were riding in the cars, if you were walking in the streets, if you met a Democrat, or a Whig, or a Republican, no matter what his politics, it was a singular circumstance that he did not speak of the guilt of Brown, of the atrocity of the deed, as you might have expected. The first impulsive expression, the first outbreak of every man's words was: "What a pity he did not succeed! What a fool he was for not going off Monday, when he had all he wanted! How strange he did not take his victory and march away with it!" It indicated the unconscious leavening of a sympathy with the attempt. Days followed on; they commenced what they called their trial; you met the same classes again—no man said he ought to be hanged; no man said he was guilty; no man predicted anything of his moral position—every man voluntarily and inevitably seemed to give vent to his indignation at the farce of a trial—indicative again of that unheeded, unconscious, potent, but widespread sympathy on the side of Brown.

Do you suppose that these things mean nothing? What the tender and poetic youth dreams to-day, and conjures up with inarticulate speech, is to-morrow the vociferated result of public opinion, and the day after is the charter of nations. The sentiments we raise to intellect, and from intellect to character, the American people have begun to feel. The mute eloquence of the fugitive slave has gone up and down the highways and byways of the country; it will annex itself to the great American heart of the North, even in the most fossil state of its "hunkerism," as a latent sympathy with its right side. This blow, like the first blow at Lexington, heard around the world – this blow at Harper's Ferry reveals men. Watch those about you, and you will see more of the temper and unheeded purpose and real moral position of men than you would imagine. This is the way nations are to be judged. Be not in a hurry; it will come soon enough from this sentiment. We stereotype feeling into intellect, and then into statutes, and finally into national character. We have got the first stage of growth. Nature's live growths crowd out and rive dead matter. Ideas strangle statutes. Pulse-beats wear down granite, whether piled in jails or capitols. The people's hearts are the only title deeds, after all. Your barnburners said: "Patroon titles are unrighteous!" Judges replied: "Such is the law." Wealth shrieked: "Vested rights!" Parties talked of constitutions—still the people said: "Sin!" They shot a sheriff—a parrot press cried: "Anarchy!" Lawyers growled: "Murder!" Still, nobody was hanged, if I recollect aright. To-day the heart of the barnburner beats in the statute book of your state. John Brown's movement against slavery is exactly the same. Wait awhile, and you'll all agree with me. What is fanaticism to-day is the fashionable creed to-morrow, and trite as the multiplication table a week after.

John Brown has stirred omnipotent pulses—Lydia Maria Child's is one. She says: "That dungeon is the place for me," and writes a letter in magnanimous appeal to the better nature of Governor Wise. She says in it: "John Brown is a hero; he has done a noble deed. I think he was all right; but he is sick; he is wounded; he wants a woman's nursing. I am an Abolitionist; I have been so thirty years. I think slavery is a sin, and John Brown a saint; but I want to come and nurse him; and I pledge my word that if you will open his prison door, I will use the privilege, under sacred honor, only to nurse him. I enclose you a message to Brown; be sure and deliver it." And the message was: "Old man, God bless you! You have struck a noble blow; you have done a mighty work; God was with you; your heart was in the right place. I send you across five hundred miles the pulse of a woman's gratitude." And Governor Wise has opened the door, and announced to the world that she may go in. John Brown has conquered the pirate. Hope, there is hope everywhere. It is only the universal history:—

> "Right forever on the scaffold, Wrong forever on the throne;
> But that scaffold sways the future, and behind the dim unknown
> Standeth God within the shadow, keeping watch above his own."

WILLIAM PINKNEY

ON THE MISSOURI QUESTION

[William Pinkney, an American statesman and diplomatist, celebrated for his powers of address, was born in Maryland in 1764. His early educational advantages were not of the best, but he equipped himself by private study for the profession of medicine. He later prepared himself for the bar and practiced very successfully as a lawyer. Having made various speeches on the burning questions of the time, he was chosen to the Maryland House of Delegates and later to the executive council of the state. Washington made him one of the commissioners to settle the claims of Americans against the British government. Some years after this he was sent to London to urge a more reasonable attitude on the part of Great Britain toward American commerce. For some years he acted as our American minister in London. He was a member of President Madison's cabinet as attorney-general, urged the declaration of war against Great Britain in 1812, and served in the war itself with distinction. Elected to Congress in 1815, he resigned to go to Russia as American minister. After his return to the United States he was elected to the national Senate, in 1819, where his eloquence made him a notable figure. He died in 1822. The speech following refers to the proviso in the bill presented for the admission of Missouri to the Union, and was made in the United States Senate in 1820.]

BUT let us proceed to take a rapid glance at the reasons which have been assigned for this notion that involuntary servitude and a republican form of government are perfect antipathies. The gentleman from New Hampshire has defined a republican government to be that in which all the men participate in its powers and privileges; from whence it follows that where there are slaves it can have no existence. A definition is no proof, however; and even if it be dignified —as I think it was—with the name of a maxim, the matter is not much mended. It is Lord Bacon who says that "nothing is so easily made as a maxim;" and certainly a definition is manufactured with equal facility. A political maxim is the work of induction, and cannot stand against experience, or stand on anything but experience. But this maxim, or definition, or whatever else it may be, sets facts at defiance. If you go back to antiquity, you will obtain no countenance for this hypothesis; and if you look at home you will gain less still. I have read that Sparta, and Rome, and Athens, and many others of the ancient family were republics. They were so in form undoubtedly—the last approaching nearer to a perfect democracy than any other government which has yet been known in the world. Judging of them also by their fruits, they were of the highest order of republics. Sparta could scarcely be any other than a republic, when a Spartan matron could say to her son just marching to battle, "Return victorious, or return no more." It was the unconquerable spirit of liberty, nurtured by republican habits and institutions, that illustrated the Pass of Thermopylæ. Yet slavery was not only tolerated in Sparta, but was established by one of the fundamental laws of Lycurgus, having for its object the encouragement of that very spirit. Attica was full of slaves; yet the love of liberty was its characteristic. What else was it that foiled the whole power of Persia at Marathon and Salamis? What other soil than that which the genial sun of republican freedom illuminated and warmed could have produced such men as Leonidas and Miltiades, Themistocles, and Epaminondas? Of Rome it would be superfluous to speak at large. It is sufficient to name the mighty mistress of the world, before Sylla gave the first stab to her liberties and the great dictator accomplished their final ruin, to be reminded of the practicability of union between civil slavery and an ardent love of liberty cherished by republican establishments.

If we return home for instruction upon this point, we perceive that same union exemplified in many a state, in which "Liberty has a temple in every house, an altar in every heart," while involuntary servitude is seen in every direction. Is it denied that those states possess a republican form of government? If it is, why does our power of correction sleep? Why is the constitutional guaranty suffered to be inactive? Why am I permitted to fatigue you, as the representative of a slaveholding state, with the discussion of the "nugæ canoræ"—for so I think them—that have been forced into this debate contrary to all the remonstrances of taste and prudence? Do gentlemen perceive the consequences to which their arguments must lead if they are of any value? Do they reflect that they lead to emancipation in the old United States—or to an exclusion of Delaware, Maryland, and all the South, and a great portion of the West, from the Union? My honorable friend from Virginia has no business here, if this disorganizing creed be anything but the production of a heated brain. The state to which I belong must "perform a lustration"—must purge and purify herself from the feculence of civil slavery, and emulate the states of the North in their zeal for throwing down the gloomy idol which we are said to worship, before her senators can have any title to appear in this high assembly. It will be in vain to urge that the old United States are exceptions to the rule—or rather, as the gentlemen express it, that they have no disposition to apply the rule to them. There can be no exceptions by implication only to such a rule, and expressions which justify the exemption of Missouri, unless they point exclusively to them, as I have shown they do not. The guarded manner, too, in which some of the gentlemen have occasionally expressed themselves on this subject is somewhat alarming. They have no disposition to meddle with slavery in the old United States. Perhaps not—but who shall answer for their successors? Who shall furnish a pledge that the principle, once engrafted into the Constitution, will not grow, and spread, and fructify, and overshadow the whole land? It is the natural office of such a principle to wrestle with slavery, wheresoever it finds it. New states, colonized by the apostles of this principle, will enable it to set on foot a fanatical crusade against all who still continue to tolerate it, although no practical means are pointed out by which they can get rid of it consistently with their own safety. At any rate, a present forbearing disposition, in a few or in many, is not a security upon which much reliance can be placed upon a subject as to which so many selfish interests and ardent feelings are connected with the cold calculations of policy. Admitting, however, that the old United States are in no danger from this principle—why is it so? There can be no other answer which these zealous enemies of slavery can use than that the Constitution recognizes slavery as existing or capable of existing in those states. The Constitution, then, admits that slavery and a republican form of government are not incongruous. It associates and binds them up together, and repudiates this wild imagination which the gentlemen have pressed upon us with such an air of triumph. But the Constitution does more, as I have heretofore proved. It concedes that slavery may exist in a new state, as well as in an old one —since the language in which it recognizes slavery comprehends new states as well as actual. I trust, then, that I shall be forgiven if I suggest that no eccentricity in argument can be more trying to human patience than a formal assertion that a Constitution, to which slaveholding states were the most numerous parties, in which slaves are treated as property as well as persons, and provision is made for the security of that property and even for an augmentation of it by a temporary importation from Africa, a clause commanding Congress to guarantee a republican form of government to those very states as well as to others, authorizes you to determine that slavery and a republican form of government cannot coexist.

But if a republican form of government is that in which all men have a share in the public power, the slaveholding will not alone retire from the Union. The constitutions of some of the other states do not sanction universal suffrage, or universal eligibility. They require citizenship, and age, and a certain amount of property, to give a title to vote or to be voted for; and they who have not those qualifications are just as much disfranchised, with regard to the government and its power, as if they were slaves. They have civil rights indeed, and so have slaves in a less degree; but they have no share in the government. Their province is to obey the laws, not to assist in making them. All such states must therefore be forisfamilitated with Virginia and the rest, or change their system; for the Constitution, being absolutely silent on those subjects, will afford them no protection. The Union might thus be reduced from a union to a unit. Who does not see that such conclusions flow from false notions— that the true theory of a republican government is mistaken

—and that in such a government rights, political and civil, may be qualified by the fundamental law, upon such inducements as the freemen of a country deem sufficient? That civil rights may be qualified as well as political is proved by a thousand examples. Minors, resident aliens who are in a course of naturalization—the other sex, whether maids or wives or widows—furnish sufficient practical proofs of this.

Again: if we are to entertain these hopeful abstractions, and to resolve all establishments into their imaginary elements, in order to recast them upon some Utopian plan, and if it be true that all the men in a republican government must help to wield its power and be equal in rights, I beg leave to ask the honorable gentleman from New Hampshire: And why not all the women? They too are God's creatures, and not only very fair but very rational creatures; and our great ancestor, if we are to give credit to Milton, accounted them the "wisest, virtuousest, discreetest, best;" although to say the truth, he had but one specimen from which to draw his conclusion, and possibly if he had had more would not have drawn it at all. They have, moreover, acknowledged civil rights in abundance, and upon abstract principles more than their masculine rulers allow them in fact. Some monarchies, too, do not exclude them from the throne. We have all read of Elizabeth of England, of Catherine of Russia, of Semiramis, and Zenobia, and a long list of royal and imperial dames, about as good as an equal list of royal and imperial lords. Why is it that their exclusion from the power of a popular government is not destructive of its republican character? I do not address this question to the honorable gentleman's gallantry, but to his abstraction, and his theories, and his notions of the infinite perfectibility of human institutions, borrowed from Godwin and the turbulent philosophers of France. For my own part, sir, if I may have leave to say so much in the presence of this mixed, uncommon audience, I confess I am no friend to female government, unless indeed it be that which reposes on gentleness, and modesty, and virtue, and feminine grace and delicacy; and how powerful a government that is, we have all of us, as I suspect, at some time or other experienced! But if the ultra-republican doctrines which have now been broached should ever gain ground among us, I should not be surprised if some romantic reformer treading in the footsteps of Mrs. Wollstonecraft should propose to repeal our republican Salique law and claïm for our wives and daughters a full participation in political power, and to add to it that domestic power, which in some families, as I have heard, is as absolute and unrepublican as any power can be.

I have thus far allowed the honorable gentlemen to avail themselves of their assumption that the constitutional command to guarantee to the states a republican form of government gives power to coerce those states in the adjustment of the details of their constitutions upon theoretical speculations. But surely it is passing strange that any man, who thinks at all, can view this salutary command as the grant of a power so monstrous, or look at it in any other light than as a protecting mandate to Congress to interpose with the force and authority of the Union against that violence and usurpation by which a member of it might otherwise be oppressed by profligate and powerful individuals, or ambitious and unprincipled factions.

In a word, the resort to this portion of the Constitution for an argument in favor of the proposed restriction is one of those extravagances—I hope I shall not offend by this expression—which may excite our admiration, but cannot call for a very rigorous refutation. I have dealt with it accordingly, and have now done with it.

We are next invited to study that clause of the Constitution which relates to the migration or importation, before the year 1808, of such persons as any of the states then existing should think proper to admit. It runs thus: "The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a law or duty may be imposed on such importation not exceeding ten dollars for each person."

It is said that this clause empowers Congress, after the year 1808, to prohibit the passage of slaves from state to state; and the word "migration" is relied upon for that purpose.

I will not say that the proof of the existence of a power by a clause which, as far as it goes, denies it, is always inadmissible, but I will say that it is always feeble. On this occasion it is singularly so. The power, in an affirmative shape, cannot be found in the Constitution; or, if it can, it is equivocal and unsatisfactory. How do the gentlemen supply this deficiency? By the aid of a negative provision in an article of the Constitution in which many restrictions are inserted ex abundanti cautela, from which it is plainly impossible to infer that the power to which they apply would otherwise have existed. Thus: "No bill of attainder or ex-post facto law shall be passed." Take away the restriction; could Congress pass a bill of attainder, the trial by jury in criminal cases being expressly secured by the Constitution? The inference, therefore, from the prohibition in question, whatever may be its meaning, to the power which it is supposed to restrain, but which you cannot lay your finger upon with any pretension to certainty, must be a very doubtful one. But the import of the prohibition is also doubtful, as the gentlemen themselves admit. So that a doubtful power is to be made certain by a yet more doubtful negative upon power—or rather a doubtful negative, where there is no evidence of the corresponding affirmative, is to make out the affirmative and to justify us in acting upon it, in a matter of such high moment that questionable power should not dare to approach it. If the negative were perfectly clear in its import, the conclusion which has been drawn from it would be rash, because it might have proceeded, as some of the negatives in whose company it is found evidently did proceed, from great anxiety to prevent such assumptions of authority as are now attempted. But when it is conceded that the supposed import of this negative—as to the term "migration"—is ambiguous, and that it may have been used in a very different sense from that which is imputed to it, the conclusion acquires a character of boldness, which, however some may admire, the wise and reflecting will not fail to condemn.

In the construction of this clause, the first remark that occurs is that the word "migration" is associated with the word "importation." I do not insist that "noscitur a sociis" is as good a rule in matters of interpretation as in common life; but it is, nevertheless, of considerable weight when the associated words are not qualified by any phrases that disturb the effect of their fellowship, and unless it announces—as in this case it does not—by specific phrases combined with the associated term a different intention. Moreover, the ordinary unrestricted import of the word "migration" is what I have here supposed. A removal from district to district, within the same jurisdiction, is never denominated a migration of persons. I will concede to the honorable gentlemen, if they will accept the concession, that ants may be said to migrate when they go from one ant-hill to another at no great distance from it. But even then they could not be said to migrate, if each ant-hill was their home in virtue of some federal compact with insects like themselves. But however this may be, it should seem to be certain that human beings do not migrate, in the sense of a constitution, simply because they transplant themselves from one place to which that constitution extends to another which it equally covers.

If this word "migration" applied to freemen, and not to slaves, it would be clear that removal from state to state would not be comprehended within it. Why, then, if you choose to apply it to slaves, does it take another meaning as to the place from whence they are to come?

Sir, if we once depart from the usual acceptation of this term, fortified as it is by its union with another in which there is nothing in this respect equivocal, will gentlemen please to intimate the point at which we are to stop? Migration means, as they contend, a removal from state to state, within the pale of the common government. Why not a removal also from county to county within a particular state—from plantation to plantation—from farm to farm—from hovel to hovel? Why not any exertion of the power of locomotion? I protest I do not see, if this arbitrary limitation of the natural sense of the term "migration" be warrantable, that a person to whom it applies may not be compelled to remain all the days of his life—which could not well be many—in the very spot, literally speaking, in which it was his good or his bad fortune to be born.

Whatever may be the latitude in which the word "persons" is capable of being received, it is not denied that the word "importation" indicates a bringing in from a jurisdiction foreign

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Photogravure after a photograph

to the United States. The two termini of the importation here spoken of are a foreign country and the American Union—the first the terminus a quo, the second the terminus ad quem. The word "migration" stands in simple connection with it, and of course is left to the full influence of that connection. The natural conclusion is that the same termini belong to each, or, in other words, that if the importation must be from abroad, so must also be the migration—no other termini being assigned to the one which are not manifestly characteristic of the other. This conclusion is so obvious that, to repel it, the word "migration" requires as an appendage explanatory phraseology, giving to it a different beginning from that of "importation." To justify the conclusion that it was intended to mean a removal from state to state, each within the sphere of the constitution in which it is used, the addition of the words "from one to another state in this Union" were indispensable. By the omission of these words, the word "migration" is compelled to take every sense of which it is fairly susceptible from its immediate neighbor, "importation." In this view it means a coming, as importation means a bringing, from a foreign jurisdiction into the United States. That it is susceptible of this meaning, nobody doubts. I go further. It can have no other meaning in the place in which it is found. It is found in the Constitution of this Union, which, when it speaks of migration as of a general concern, must be supposed to have in view a migration into the domain which itself embraces as a general government.

Migration, then, even if it comprehends slaves, does not mean the removal of them from state to state, but means the coming of slaves from places beyond their limits and their power. And if this be so, the gentlemen gain nothing for their argument by showing that slaves were the objects of this term.

An honorable gentleman from Rhode Island, whose speech was distinguished for its ability and for an admirable force of reasoning as well as by the moderation and mildness of its spirit, informed us, with less discretion than in general he exhibited, that the word "migration" was introduced into this clause at the instance of some of the Southern states, who wished by its instrumentality to guard against a prohibition by Congress of the passage into those states of slaves from other states. He has given us no authority for this supposition, and it is, therefore, a gratuitous one. How improbable it is, a moment's reflection will convince him. The African slave-trade being open during the whole of the time to which the entire clause in question referred, such a purpose could scarcely be entertained; but if it had been entertained, and there was believed to be a necessity for securing it by a restriction upon the power of Congress to interfere with it, is it possible that they who deemed it important would have contented themselves with a vague restraint, which was calculated to operate in almost any other manner than that which they desired? If fear and jealousy, such as the honorable gentleman has described, had dictated this provision, a better term than that of "migration," simple and unqualified, and joined too with the word "importation," would have been found to tranquilize those fears and satisfy that jealousy. Fear and jealousy are watchful, and are rarely seen to accept a security short of their object, and less rarely to shape that security, of their own accord, in such a way as to make it no security at all. They always seek an explicit guaranty; and that this is not such a guaranty this debate has proved, if it has proved nothing else.

Sir, I shall not be understood by what I have said to admit that the word "migration" refers to slaves. I have contended only that if it does refer to slaves, it is in this clause synonymous with "importation" and that it cannot mean the mere passage of slaves, with or without their masters, from one state in the Union to another.

But I now deny that it refers to slaves at all. I am not for any man's opinion or his histories upon this subject. I am not accustomed "jurare in verba magistri." I shall take the clause as I find it, and do my best to interpret it.

WILLIAM PITT

ABOLITION OF THE SLAVE-TRADE

[William Pitt was born in Hayes, Kent, in 1759, being the second son of the "great" Earl of Chatham. He took his degree at Cambridge and entered Parliament, where he became chancellor of the exchequer at twenty-three, and such a favorite with the king and the country that he was appointed prime minister before he had attained his twenty-fifth year. The appointment was resorted to by the king as a desperate measure to avoid a ministry whose personnel was odious to him. The king's expedient proved successful, and Pitt's ministry lasted for seventeen years, baffling every effort of Fox and the opposition to hurl it from power. The great war with France, begun in 1793, was Pitt's severest ordeal, but he had also to face an Indian problem, a growing national debt, the need of a regency, legislative union with Ireland, and a series of national disasters unparalleled in English history, and induced primarily by the king's determination to force his personal will upon the nation. Pitt's eloquence enabled him to win triumph after triumph in the House of Commons, but he resigned in 1801, because the king would not accept religious equality in Ireland. But Pitt regained power a few years later and retained it until his death, in 1806. The speech that follows was directed against the continuance of the slave-trade in the British West Indies, and was delivered in the House of Commons, in 1782.]

MR. SPEAKER: At this hour of the morning [four o'clock] I am afraid, sir, I am too much exhausted to enter so fully into the subject before the committee as I could wish; but if my bodily strength is in any degree equal to the task, I feel so strongly the magnitude of this question that I am extremely earnest to deliver my sentiments, which I rise to do with more satisfaction, because I now look forward to the issue of this business with considerable hope of success.

The debate has this night taken a turn which, though it has produced a variety of new suggestions, has, upon the whole, contracted this question into a much narrower point than it was ever brought into before.

I cannot say that I quite agree with the right honorable gentleman over the way [Mr. Fox], for I am far from deploring all that has been said by my two honorable friends [Mr. Dundas and Mr. Addington]. I rather rejoice that they have now brought this subject to a fair issue; that something, at least, is already gained, and that the question has taken altogether a new course this night. It is true, a difference of opinion has been stated, and has been urged with all the force of argument that could be given to it. But permit me to say that this difference has been urged upon principles very far removed from those which were maintained by the opponents of my honorable friend [Mr. Wilberforce], when he first brought forward his motion. There are very few of those who have spoken this night who have not thought it their duty to declare their full and entire concurrence with my honorable friend in promoting the abolition of the slave-trade as their ultimate object. However we may differ as to the time and manner of it, we are agreed in the abolition itself; and my honorable friends have expressed their agreement in this sentiment with that sensibility upon the subject which humanity does most undoubtedly require. I do not, however, think they yet perceive what are the necessary consequences of their own concession, or follow up their own principles to their just conclusion.

The point now in dispute between us is a difference merely as to the period or time at which the abolition of the slave-trade ought to take place. I therefore congratulate this House, the country, and the world, that this great point is gained. That we may now consider this trade as having received its condemnation; that its sentence is sealed; that this curse of mankind is seen by the House in its true light; and that the greatest stigma on our national character which ever yet existed is about to be removed; and, sir, which is still more important, that mankind, I trust, in general, are now likely to be delivered from the greatest practical evil that has ever afflicted the human race; from the severest and most extensive calamity recorded in the history of the world!

In proceeding to give my reasons for concurring with my onorable friend [Mr. Wilberforce] in his motion, I shall necessarily advert to those topics which my honorable friends near me [Dundas and Addington] have touched upon, and which they stated to be their motives for preferring a gradual, and, in some degree, a distant abolition of the slave-trade, to the more immediate and direct measure now proposed to you. Beginning as I do with declaring that, in this respect, I differ completely from my right honorable friends near me, I do not, however, mean to say that I differ as to one observation which has been pressed rather strongly by them. If they can show that their proposition of a gradual abolition is more likely than ours to secure the object which we have in view; that by proceeding gradually we shall arrive more speedily at our end, and attain it with more certainty, than by a direct vote immediately to abolish; if they can show to the satisfaction both of myself and the committee that our proposition has more the appearance of a speedy abolition than the reality of it, undoubtedly they will in this case make a convert of me and my honorable friend who moved the question. They will make a convert of every man among us who looks to this (which I trust we all do) as a question not to be determined by theoretical principles or enthusiastic feelings, but considers the practicability of the measure, aiming simply to effect his object in the shortest time and in the surest possible manner. If, however, I shall be able to show that our measure proceeds more directly to its object, and secures it with more certainty, and within a less distant period; and that the slave trade will on our plan be abolished sooner than on theirs, may I not then hope that my right honorable friends will be as ready to adopt our proposition, as we should in the other case be willing to accede to theirs?

One of my right honorable friends has stated that an act passed here for the abolition of the slave trade would not secure its abolition. Now, sir, I should be glad to know why an act of the British legislature, enforced by all those sanctions which we have undoubtedly the power and the right to apply, is not to be effectual: at least, as to every material purpose? Will not the executive power have the same appointment of the officers and the courts of judicature, by which all the causes relating to this subject must be tried, that it has in other cases? Will there not be the same system of law by which we now maintain a monopoly of commerce? If the same law, sir, be applied to the prohibition of the slave-trade which is applied in the case of other contraband commerce, with all the same means of the country to back it, I am at a loss to know why the actual and total abolition is not as likely to be effected in this way as by any plan or project of my honorable friends for bringing about a gradual termination of it. But my observation is extremely fortified by what fell from my honorable friend who spoke last. He has told you, sir, that if you will have patience with it for a few years, the slave trade must drop of itself, from the increasing dearness of the commodity imported, and the increasing progress, on the other hand, of internal population. Is it true, then, that the importations are so expensive and disadvantageous already, that the internal population is even now becoming a cheaper resource? I ask, then, if you leave to the importer no means of importation but by smuggling, and if, besides all the present disadvantages, you load him with all the charges and hazards of the smuggler, by taking care that the laws against smuggling are in this case watchfully and rigorously enforced, is there any danger of any considerable supply of fresh slaves being poured into the islands through this channel? And is there any real ground of fear, because a few slaves may have been smuggled in or out of the islands, that a bill will be useless and ineffectual on any such ground? The question under these circumstances will not bear a dispute.

(1.) Perhaps, however, my honorable friends may take up another ground and say, "It is true your measure would shut out further importations more immediately; but we do not mean to shut them out immediately. We think it right, on grounds of general expediency, that they should not be immediately shut out." Let us, therefore, now come to this question of the expediency of making the abolition distant and gradual, rather than immediate.

The argument of expediency, in my opinion, like every other argument in this disquisition, will not justify the continuance of the slave trade for one unnecessary hour. Supposing it to be in our power, which I have shown it is, to enforce the prohibition from this present time, the expediency of doing it is to me so clear, that if I went on this principle alone I should not feel a moment's hesitation. What is the argument of expediency stated on the other side? It is doubted whether the deaths and births in the islands are, as yet, so nearly equal as to insure the keeping up a sufficient stock of laborers. In answer to this, I took the liberty of mentioning in a former year what appeared to me to be the state of population at that time. My observations were taken from documents which we have reason to judge authentic and which carried on the face of them the conclusions I then stated; they were the clear, simple, and obvious result of a careful examination which I made into this subject, and any gentleman who will take the same pains may arrive at the same degree of satisfaction.

These calculations, however, applied to a period of time that is now four or five years past. The births were then, in the general view of them, nearly equal to the deaths; and, as the state of population was shown, by a considerable retrospect, to be regularly increasing, an excess of births must, before this time, have taken place.

Another observation has been made as to the disproportion of the sexes. This, however, is a disparity which existed in any material degree only in former years; it is a disparity of which the slave trade has been itself the cause, which will gradually diminish, as the slave trade diminishes, and must entirely cease if the trade shall be abolished; but which, nevertheless, is made the very plea for its continuance. I believe this disproportion of the sexes, taking the whole number of the islands, Creole as well as imported Africans, the latter of whom occasion all the disproportion, is not now by any means considerable.

But, sir, I also showed that the great mortality, which turned the balance so as to make the deaths appear more numerous than the births, arose too from the imported Africans, who die in extraordinary numbers in the seasoning. If, therefore, the importation of negroes should cease, every one of the causes of mortality which I have now stated would cease also; nor can I conceive any reason why the present number of laborers should not maintain itself in the West Indies, except it be from some artificial cause, some fault in the islands; such as the impolicy of their governors, or the cruelty of the managers and officers whom they employ. I will not reiterate all that I said at that time, or go through island by island. It is true there is a difference in the ceded islands; and I state them possibly to be, in some respects, an excepted case. But we are not now to enter into the subject of the mortality in clearing new lands. It is, sir, undoubtedly another question; the mortality here is tenfold; neither is it to be considered as the carrying on, but as the setting on foot a slave trade for the purpose of peopling the colony; a measure which I think will not now be maintained. I therefore desire gentlemen to tell me fairly whether the period they look to is not now arrived; whether, at this hour, the West Indies may not be declared to have actually attained a state in which they can maintain their population? And upon the answer I must necessarily receive I think I could safely rest the whole of the question.

One honorable gentleman has rather ingeniously observed, that one or other of these two assertions of ours must necessarily be false; that either the population must be decreasing, which we deny, or, if the population is increasing, that the slaves must be perfectly well treated (this being the cause of such population), which we deny also. That the population is rather increasing than otherwise, and also that the general treatment is by no means so good as it ought to be, are both points which have been separately proved by different evidences; nor are these two points so entirely incompatible. The ill treatment must be very great, indeed, in order to diminish materially the population of any race of people. That it is not so extremely great as to do this, I will admit. I will even admit, if you please, that this charge may possibly have been sometimes exaggerated; and I certainly think that it applies less and less as we come nearer to the present times.

But let us see how this contradiction of ours, as it is thought, really stands, and how the explanation of it will completely settle our minds on the point in question. Do the slaves diminish in numbers? It can be nothing but ill treatment that causes the diminution. This ill treatment the abolition must and will restrain. In this case, therefore, we ought to vote for the abolition. On the other hand, do you choose to say that the slaves clearly increase in numbers? Then you want no importations, and in this case also you may safely vote for the abolition. Or, if you choose to say, as the third and only other case which can be put, and which perhaps is the nearest to the truth, that the population is nearly stationary, and the treatment neither so bad nor so good as is might be; then surely, sir, it will not be denied that this, of all others, is, on each of the two grounds, the proper period for stopping further supplies; for your population, which you own is already stationary, will thus be made undoubtedly to increase from the births, and the good treatment of your present slaves, which I am now supposing is but very moderate, will be necessarily improved also by the same measure of abolition. I say, therefore, that these propositions, contradictory as they may be represented, are in truth not at all inconsistent, but even come in aid of each other, and lead to a conclusion that is decisive. And let it be always remembered that, in this branch of my argument, I have only in view the well being of the West Indies, and do not now ground anything on the African part of the question.

But, sir, I may carry these observations respecting the islands much further. It is within the power of the colonists, and it is then their indispensable duty, to apply themselves to the correction of those various abuses by which population is restrained. The most important consequences may be expected to attend colonial regulations for this purpose. With the improvement of internal population the condition of every negro will improve also; his liberty will advance, or at least he will be approaching to a state of liberty. Nor can you increase the happiness or extend the freedom of the negro without adding in an equal degree to the safety of the islands and of all their inhabitants. Thus, sir, in the place of slaves, who naturally have an interest directly opposite to that of their masters, and are therefore viewed by them with an eye of constant suspicion, you will create a body of valuable citizens and subjects, forming a part of the same community, having a common interest with their superiors in the security and prosperity of the whole.

And here let me add that in proportion as you increase the happiness of these unfortunate beings you will undoubtedly increase in effect the quantity of their labor also. Gentlemen talk of the diminution of the labor of the islands! I will venture to assert that, even if in consequence of the abolition there were to be some decrease in the number of hands, the quantity of work done, supposing the condition of the slaves to improve, would by no means diminish in the same proportion; perhaps would be far from diminishing at all. For if you restore to this degraded race the true feelings of men; if you take them out from among the order of brutes, and place them on a level with the rest of the human species, they will then work with that energy which is natural to men, and their labor will be productive, in a thousand ways above what it has yet been; as the labor of a man is always more productive than that of a mere brute.

It generally happens that in every bad cause information arises out of the evidence of its defenders themselves, which serves to expose in one part or other the weakness of their defense. It is the characteristic of such a cause, that if it be at all gone into, even by its own supporters, it is liable to be ruined by the contradictions in which those who maintain it are forever involved.

The committee of the Privy Council of Great Britain sent over certain queries to the West India Islands, with a view of elucidating the present subject; and they particularly inquired whether the negroes had any days or hours allotted to them in which they might work for themselves. The assemblies in their answers, with an air of great satisfaction, state the labor of the slaves to be moderate, and the West India system to be well calculated to promote the domestic happiness of the slaves. They add, "that proprietors are not compelled by law to allow their slaves any part of the six working days of the week for themselves, but that it is the general practice to allow them one afternoon in every week out of crop time; which, with such hours as they choose to work on Sundays, is time amply sufficient for their own purposes." Now, therefore, will the negroes, or I may rather say, do the negroes work for their own emolument? I beg the committee's attention to this point. The Assembly of Grenada proceeds to state—I have their own words for it—"that though the negroes are allowed the afternoons of only one day in every week, they will do as much work in that afternoon, when employed for their own benefit, as in the whole day when employed in their master's service."

Now, sir, I will desire you to burn all my calculations; to disbelieve, if you please, every word I have said on the present state of population; nay, I will admit, for the sake of argument, that the numbers are decreasing, and the productive labor at present insufficient for the cultivation of those countries; and I will then ask whether the increase in the quantity of labor which is reasonably to be expected from the improved condition of the slaves is not, by the admission of the islands themselves, by their admission not merely of an argument, but a fact, far more than sufficient to counterbalance any decrease which can be rationally apprehended from a defective state of their population? Why, sir, a negro, if he works for himself, and not for a master, will do double work! This is their own account. If you will believe the planters, if you will believe the legislature of the islands, the productive labor of the colonies would, in case the negroes worked as free laborers instead of slaves, be literally doubled. Half the present laborers, on this supposition, would suffice for the whole cultivation of our islands on the present scale! I therefore confidently ask the House whether, in considering the whole of this question, we may not fairly look forward to an improvement in the condition of these unhappy and degraded beings; not only as an event desirable on the ground of humanity and political prudence, but also as a means of increasing, very considerably indeed, even without any increasing population, the productive industry of the islands?

When gentlemen are so nicely balancing the past and future means of cultivating the plantations, let me request them to put this argument into the scale; and the more they consider it, the more will they be satisfied that both the solidity of the principle which I have stated, and the fact which I have just quoted, in the very words of the colonial legislature, will bear me out in every inference I have drawn. I think they will perceive, also, that it is the undeniable duty of this House, on the grounds of true policy, immediately to sanction and carry into effect that system which insures these important advantages; in addition to all those other inestimable blessings which follow in their train.

If, therefore, the argument of expediency, as applying to the West India Islands, is the test by which this question is to be tried, I trust I have now established this proposition, namely, that whatever tends most speedily and effectually to meliorate the condition of the slaves, is undoubtedly on the ground of expediency, leaving justice out of the question, the main object to be pursued.

That the immediate abolition of the slave-trade will most eminently have this effect, and that it is the only measure from which this effect can in any considerable degree be expected, are points to which I shall presently come; but before I enter upon them, let me notice one or two further circumstances.

We are told, and by respectable and well-informed persons, that the purchase of new negroes has been injurious instead of profitable to the planters themselves, so large a proportion of these unhappy wretches being found to perish in the seasoning. Writers well versed in this subject have even advised that, in order to remove the temptation which the slave-trade offers to expend large sums in this injudicious way, the door of importation should be shut. This very plan we now propose, the mischief of which is represented to be so great as to outweigh so many other momentous considerations, has actually been recommended by some of the best authorities, as one highly requisite to be adopted on the very principle of advantage to the islands; not merely on that principle of general and political advantage on which I have already touched, but for the advantage of the very individuals who would otherwise be most forward in purchasing slaves. On the part of the West Indies it is urged: "The planters are in debt—they are already distressed; if you stop the slave-trade, they will be ruined." Mr. Long, the celebrated historian of Jamaica, recommends the stopping of importations as a receipt for enabling the plantations which are embarrassed to get out of debt. I will quote his words. Speaking of the usurious terms on which money is often borrowed for the purchase of fresh slaves, he advises "the laying a duty equal to a prohibition on all negroes imported for the space of four or five years, except for reexportation." "Such a law," he proceeds to say, "would be attended with the following good consequences. It would put an immediate stop to these extortions. It would enable the planter to retrieve his affairs by preventing him from running in debt, either by renting or purchasing of negroes. It would render such recruits less necessary, by the redoubled care he would be obliged to take of his present stock, the preservation of their lives and health. And, lastly, it would raise the value of negroes in the island. A North American province, by this prohibition alone for a few years, from being deeply plunged in debt, has become independent, rich, and flourishing." On this authority of Mr. Long I rest the question, whether the prohibition of further importations is that rash, impolitic, and completely ruinous measure which it is so confidently declared to be with respect to our West India plantations.

I do not, however, mean, in thus treating this branch of the subject, absolutely to exclude the question of indemnification on the supposition of possible disadvantages affecting the West Indies through the abolition of the slave trade. But when gentlemen set up a claim of compensation merely on those general allegations, which are all that I have yet heard from them, I can only answer, let them produce their case in a distinct and specific form; and if upon any practicable or reasonable grounds it shall claim consideration, it will then be time enough for Parliament to decide upon it.

I now come to another circumstance of great weight, connected with this part of the question. I mean the danger to which the islands are exposed from those negroes who are newly imported. This, sir, like the observations which I lately made, is no mere speculation of ours; for here, again, I refer you to Mr. Long, the historian of Jamaica. He treats particularly of the dangers to be dreaded from the introduction of Coromantine negroes; an appellation under which are comprised several descriptions of Africans obtained on the Gold Coast, whose native country is not exactly known, and who are purchased in a variety of markets, having been brought from some distance inland. With a view of preventing insurrections, he advises that, "by laying a duty equal to a prohibition, no more of these Coromantines should be bought"; and, after noticing one insurrection which happened through their means, he tells you of another in the following year, in which thirty-three Coromantines, most of whom had been newly imported, suddenly rose, and in the space of an hour murdered and wounded no less than nineteen white persons.

To the authority of Mr. Long, both in this and other parts of his work, I may add the recorded opinion of the committee of the House of Assembly of Jamaica itself; who, in consequence of a rebellion among the slaves, were appointed to inquire into the best means of preventing future insurrections. The committee reported "that the rebellion had originated (like most or all others) with the Coromantines"; and they proposed that a bill should be brought in "for laying a higher duty on the importation of these particular negroes," which was intended to operate as a prohibition.

But the danger is not confined to the importation of Coromantines. Mr. Long, carefully investigating as he does the causes of such frequent insurrections, particularly at Jamaica, accounts for them from the greatness of its general importations. "In two years and a half," says he, "twenty-seven thousand negroes have been imported." No wonder we have rebellions! Twenty-seven thousand in two years and a half! Why, sir, I believe that in some late years there have been as many imported into the same island within the same period! Surely, sir, when gentlemen talk so vehemently of the safety of the islands, and charge us with being so indifferent to it; when they speak of the calamities of St. Domingo, and of similar dangers impending over their own heads at the present hour, it ill becomes them to be the persons who are crying out for further importations. It ill becomes them to charge upon us the crime of stirring up insurrections—upon us who are only adopting the very principles which Mr. Long—which in part even the legislature of Jamaica itself—laid down in the time of danger, with an avowed view to the prevention of any such calamity.

The House, I am sure, will easily believe it is no small satisfaction to me that among the many arguments for prohibiting the slave-trade which crowd upon my mind, the security of our West India possessions against internal commotions, as well as foreign enemies, is among the most prominent and most forcible. And here let me apply to my two right honorable friends, and ask them, whether in this part of the argument they do not see reason for immediate abolition? Why should you any longer import into those countries that which is the very seed of insurrection and rebellion? Why should you persist in introducing those latent principles of conflagration, which, if they should once burst forth, may annihilate in a single day the industry of a hundred years? Why will you subject yourselves, with open eyes, to the evident and imminent risk of a calamity which may throw you back a whole century in your profits, in your cultivation, in your progress to the emancipation of your slaves; and disappointing at once every one of these golden expectations, may retard, not only the accomplishment of that happy system which I have attempted to describe, but may cut off even your opportunity of taking any one introductory step? Let us begin from this time! Let us not commit these important interests to any further hazard! Let us prosecute this great object from this very hour! Let us vote that the abolition of the slave-trade shall be immediate, and not left to I know not what future time or contingency! Will my right honorable friends answer for the safety of the islands during any imaginable intervening period? Or do they think that any little advantages of the kind which they state can have any weight in that scale of expediency in which this great question ought undoubtedly to be tried.

Thus stated, and thus alone, sir, can it be truly stated, to what does the whole of my right honorable friend's argument, on the head of expediency, amount? It amounts but to this: The colonies, on the one hand, would have to struggle with some few difficulties and disadvantages at the first, for the sake of obtaining on the other hand immediate security to their leading interests; of insuring, sir, even their own political existence; and for the sake also of immediately commencing that system of progressive improvement in the condition of slaves which is necessary to raise them from the state of brutes to that of rational beings, but which never can begin until the introduction of these new, disaffected, and dangerous Africans into the same gangs shall have been stopped. If any argument can in the slightest degree justify the severity that is now so generally practiced in the treatment of the slaves, it must be the introduction of these Africans. It is the introduction of these Africans that renders all idea of emancipation for the present so chimerical, and the very mention of it so dreadful. It is the introduction of these Africans that keeps down the condition of all plantation negroes. Whatever system of treatment is deemed necessary by the planters to be adopted toward these new Africans, extends itself to the other slaves also; instead, therefore, of deferring the hour when you will finally put an end to importations, vainly purposing that the condition of your present slaves should previously be mended, you must, in the first instance, stop your importations, if you hope to introduce any rational or practicable plan, either of gradual emancipation or present general improvement.

(2.) Being now done with this question of expediency as affecting the islands, I come next to a proposition advanced by my right honorable friend [Mr. Dundas], which appeared to intimate that, on account of some patrimonial rights of the West Indies, the prohibition of the slave-trade might be considered as an invasion of their legal inheritance.

Now, in answer to this proposition, I must make two or three remarks, which I think my right honorable friend will find some considerable difficulty in answering.

I observe, then, that his argument, if it be worth anything, applies just as much to gradual as to immediate abolition. I have no doubt that, at whatever period he might be disposed to say the abolition should actually take place, this defense will equally be set up; for it certainly is just as good an argument against an abolition seven or seventy years hence as against an abolition at this moment. It supposes we have no right whatever to stop the importations; and even though the injury to our plantations, which some gentlemen suppose to attend the measure of immediate abolition, should be admitted gradually to lessen by the lapse of a few years, yet in point of principle the absence of all right of interference would remain the same. My right honorable friend, therefore, I am sure, will not press an argument not less hostile to his proposition than to ours.

But let us investigate the foundation of this objection, and I will commence what I have to say by putting a question to my right honorable friend. It is chiefly on the presumed ground of our being bound by a parliamentary sanction heretofore given to the African slave-trade that this argument against the abolition is rested. Does, then, my right honorable friend, or does any man in this House, think that the slave-trade has received any such parliamentary sanction as must place it more out of the jurisdiction of the legislature forever after, than the other branches of our national commerce? I ask, is there any one regulation of any part of our commerce, which, if this argument be valid, may not equally be objected to, on the ground of its affecting some man's patrimony, some man's property, or some man's expectations? Let it never be forgotten that the argument I am canvassing would be just as strong if the possession affected were small, and the possessors humble; for on every principle of justice, the property of any single individual, or small number of individuals, is as sacred as that of the great body of West Indians. Justice ought to extend her protection with rigid impartiality to the rich and to the poor, to the powerful and to the humble. If this be the case, in what a situation does my right honorable friend's argument place the legislature of Britain? What room is left for their interference in the regulation of any part of our commerce? It is scarcely possible to lay a duty on any one article which may not, when first imposed, be said in some way to affect the property of individuals, and even of some entire classes of the community. If the laws respecting the slave-trade imply a contract for its perpetual continuance, I will venture to say there does not pass a year without some act equally pledging the faith of Parliament to the perpetuating of some other branch of commerce. In short, I repeat my observation, that no new tax can be imposed, much less can any prohibitory duty be ever laid on any branch of trade that has before been regulated by Parliament, if this principle be once admitted.

Before I refer to the Acts of Parliament by which the public faith is said to be pledged, let me remark, also, that a contract for the continuance of the slave-trade must, on the principles which I shall presently insist on, have been void, even from the beginning; for if this trade is an outrage upon justice, and only another name for fraud, robbery, and murder, will any man urge that the legislature could possibly by any pledge whatever incur the obligation of being an accessory, or, I may even say, a principal in the commission of such enormities, by sanctioning their continuance? As well might an individual think himself bound by a promise to commit an assassination. I am confident gentlemen must see that our proceeding on such grounds would infringe all the principles of law, and subvert the very foundation of morality.

Let us now see how far these Acts themselves show that there is that sort of parliamentary pledge to continue the African slave trade. The Act of 23 George II., c. xxxi., is that by which we are supposed to be bound up by contract, to sanction all those horrors now so incontrovertibly proved. How surprised, then, sir, must the House be to find that, by a clause of their very act, some of these outrages are expressly forbidden! It says: "No commander or master of a ship trading to Africa shall by fraud, force, or violence, or by any indirect practice whatsoever, take on board or carry away from the coast of Africa any negro or native of the said country, or commit any violence on the natives, to the prejudice of the said trade, and that every person so offending shall for every such offense forfeit," etc. When it comes to the penalty, sorry am I to say, that we see too close a resemblance to the West India law, which inflicts the payment of £30 as the punishment for murdering a negro. The price of blood in Africa is £100, but even this penalty is enough to prove that the Act at least does not sanction, much less does it engage to perpetuate, enormities; and the whole trade has now been demonstrated to be a mass, a system of enormities—of enormities which incontrovertibly bid defiance not only to this clause, but to every regulation which our ingenuity can devise and our power carry into effect. Nothing can accomplish the object of this clause but an extinction of the trade itself.

But, sir, let us see what was the motive for carrying on the trade at all. The preamble of the Act states it: "Whereas, the trade to and from Africa is very advantageous to Great Britain, and necessary for the supplying the plantations and colonies thereunto belonging with a sufficient number of negroes at reasonable rates, and for that purpose the said trade should be carried on," etc. Here, then, we see what the Parliament had in view when it passed this Act; and I have clearly shown that not one of the occasions on which it grounded its proceedings now exists. I may then plead, I think, the very Act itself as an argument for the abolition. If it is shown that, instead of being "very advantageous" to Great Britain, this trade is the most destructive that can well be imagined to her interests; that it is the ruin of our seamen; that it stops the extension of our manufactures; if it is proved, in the second place, that it is not now necessary for the "supplying our plantations with negroes"; it is further established that this traffic was from the very beginning contrary to the first principles of justice, and consequently that a pledge for its continuance, had one been attempted to be given, must have been completely and absolutely void; where, then, in this Act of Parliament is the contract to be found by which Britain is bound, as she is said to be, never to listen to her own true interests, and to the cries of the natives of Africa? Is it not clear that all argument, founded on the supposed pledged faith of Parliament, makes against those who employ it? I refer you to the principles which obtain in other cases. Every trade act shows undoubtedly that the legislature is used to pay a tender regard to all classes of the community. But if, for the sake of moral duty, of national honor, or even of great political advantage, it is thought right, by authority of Parliament, to alter any long-established system, Parliament is competent to do it. The legislature will undoubtedly be careful to subject individuals to as little inconvenience as possible; and if any peculiar hardship should arise that can be distinctly stated and fairly pleaded, there will ever, I am sure, be a liberal feeling toward them in the legislature of this country, which is the guardian of all who live under its protection. On the present occasion, the most powerful considerations call upon us to abolish the slave-trade; and if we refuse to attend to them on the alleged ground of pledged faith and contract, we shall depart as widely from the practice of Parliament as from the path of moral duty. If, indeed, there is any case of hardship which comes within the proper cognizance of Parliament, and calls for the exercise of its liberality—well! But such a case must be reserved for calm consideration, as a matter distinct from the present question.

I beg pardon for dwelling so long on the argument of expediency, and on the manner in which it affects the West Indies. I have been carried away by my own feelings on some of these points into a greater length than I intended, especially considering how fully the subject has been already argued. The result of all I have said is, that there exists no impediment, no obstacle, no shadow of reasonable objection on the ground of pledged faith, or even on that of national expediency, to the abolition of this trade. On the contrary, all the arguments drawn from those sources plead for it, and they plead much more loudly and much more strongly, in every part of the question, for an immediate than for a gradual abolition.

(3.) But now, sir, I come to Africa. That is the ground on which I rest, and here it is that I say my right honorable friends do not carry their principles to their full extent. Why ought the slave-trade to be abolished? Because it is incurable injustice! How much stronger, then, is the argument for immediate than gradual abolition! By allowing it to continue even for one hour, do not my right honorable friends weaken—do not they desert their own argument of its injustice? If on the ground of injustice it ought to be abolished at last, why ought it not now? Why is injustice to be suffered to remain for a single hour? From what I hear without doors, it is evident that there is a general conviction entertained of its being far from just, and from that very conviction of its injustice some men have been led, I fear, to the supposition that the slave-trade never could have been permitted to begin, but from some strong and irresistible necessity; a necessity, however, which, if it was fancied to exist at first, I have shown cannot be thought by any man whatever to exist at present. This plea of necessity, thus presumed, and presumed, as I suspect, from the circumstance of injustice itself, has caused a sort of acquiescence in the continuance of this evil. Men have been led to place it in the rank of those necessary evils which are supposed to be the lot of human creatures, and to be permitted to fall upon some countries or individuals rather than upon others, by that Being whose ways are inscrutable to us, and whose dispensations, it is conceived, we ought not to look into. The origin of evil is, indeed, a subject beyond the reach of the human understanding; and the permission of it by the Supreme Being is a subject into which it belongs not to us to inquire. But where the evil in question is a moral evil which a man can scrutinize, and where that moral evil has its origin with ourselves, let us not imagine that we can clear our consciences by this general, not to say irreligious and impious, way of laying aside the question. If we reflect at all on this subject we must see that every necessary evil supposes that some other and greater evil would be incurred were it removed. I therefore desire to ask, What can be that greater evil which can be stated to over-balance the one in question? I know of no evil that ever has existed, nor can imagine any evil to exist, worse than the tearing of eighty thousand persons annually from their native land, by a combination of the most civilized nations in the most enlightened quarter of the globe, but more especially by that nation which calls herself the most free and the most happy of them all. Even if these miserable beings were proved guilty of every crime before you take them off, of which, however, not a single proof is adduced, ought we to take upon ourselves the office of executioners? And even if we condescend so far, still can we be justified in taking them, unless we have clear proof that they are criminals?

But if we go much further; if we ourselves tempt them to sell their fellow-creatures to us, we may rest assured that they will take care to provide by every method, by kidnapping, by village-breaking, by unjust wars, by iniquitous condemnations, by rendering Africa a scene of bloodshed and misery, a supply of victims increasing in proportion to our demand. Can we, then, hesitate in deciding whether the wars in Africa are their wars or ours? It was our arms in the river Cameroon, put into the hands of the trader, that furnished him with the means of pushing his trade; and I have no more doubt that they are British arms put into the hands of Africans, which promote universal war and desolation, than I can doubt their having done so in that individual instance.

I have shown how great is the enormity of this evil, even on the supposition that we take only convicts and prisoners of war. But take the subject in the other way; take it on the grounds stated by the right honorable gentleman over the way; and how does it stand? Think of eighty thousand persons carried away out of their country by we know not what means; for crimes imputed, for light or inconsiderable faults, for debt, perhaps, for the crime of witchcraft, or a thousand other weak and scandalous pretexts? Besides all the fraud and kidnapping, the villainies and perfidy, by which the slave trade is supplied. Reflect on these eighty thousand persons thus annually taken off! There is something in the horror of it that surpasses all the bounds of imagination. Admitting that there exists in Africa something like to courts of justice: yet what an office of humiliation and meanness is it in us to take upon ourselves to carry into execution the partial, the cruel, iniquitous sentences of such courts, as if we also were strangers to all religion and to the first principles of justice!

But that country, it is said, has been in some degree civilized, and civilized by us. It is said they have gained some knowledge of the principles of justice. What, sir, have they gained the principles of justice from us? Is their civilization brought about by us? Yes, we give them enough of our intercourse to convey to them the means and to initiate them in the study of mutual destruction. We give them just enough of the forms of justice to enable them to add the pretext of legal trials to their other modes of perpetrating the most atrocious iniquity. We give them just enough of European improvements to enable them the more effectually to turn Africa into a ravaged wilderness. Some evidences say that the Africans are addicted to the practice of gambling; that they even sell their wives and children, and ultimately themselves. Are these, then, the legitimate sources of slavery? Shall we pretend that we can thus acquire an honest right to exact the labor of these people? Can we pretend that we have a right to carry away to distant regions men of whom we know nothing by authentic inquiry, and of whom there is every reasonable presumption to think that those who sell them to us have no right to do so? But the evil does not stop here. I feel that there is not time for me to make all the remarks which the subject deserves, and I refrain from attempting to enumerate half the dreadful consequences of this system. Do you think nothing of the ruin and the miseries in which so many other individuals, still remaining in Africa, are involved in consequence of carrying off so many myriads of people? Do you think nothing of their families which are left behind; of the connections which are broken; of the friendships, attachments, and relationships that are burst asunder? Do you think nothing of the miseries in consequence that are felt from generation to generation; of the privation of that happiness which might be communicated to them by the introduction of civilization, and of mental and moral improvement? A happiness which you withhold from them so long as you permit the slave-trade to continue. What do you yet know of the internal state of Africa? You have carried on a trade to that quarter of the globe from this civilized and enlightened country; but such a trade that, instead of diffusing either knowledge or wealth, it has been the check to every laudable pursuit. Instead of any fair interchange of commodities; instead of conveying to them, from this highly-favored land, any means of improvement, you carry with you that noxious plant by which everything is withered and blasted; under whose shade nothing that is useful or profitable to Africa will ever flourish or take root. Long as that continent has been known to navigators, the extreme line and boundaries of its coasts is all with which Europe has yet become acquainted; while other countries in the same parallel of latitude, through a happier system of intercourse, have reaped the blessings of a mutually beneficial commerce. But as to the whole interior of that continent, you are, by your own principles of commerce, as yet entirely shut out. Africa is known to you only in its skirts.* Yet even there you are able to infuse a poison that spreads its contagious effects from one end of it to the other; which penetrates to its very center, corrupting every part to which it reaches. You there subvert the whole order of nature; you aggravate every natural barbarity, and furnish to every man living on that continent motives for committing, under the name and pretext of commerce, acts of perpetual violence and perfidy against his neighbor.

Thus, sir, has the perversion of British commerce carried misery instead of happiness to one whole quarter of the globe. False to the very principles of trade, misguided in our policy, and unmindful of our duty, what astonishing, I had almost said, what irreparable mischief, have we brought upon that continent! How shall we hope to obtain, if it be possible, forgiveness from Heaven for those enormous evils we have committed, if we refuse to make use of those means which the mercy of Providence hath still reserved to us, for wiping away the guilt and shame with which we are now covered? If we refuse even this degree of compensation; if, knowing the miseries we have caused, we refuse even now to put a stop to them, how greatly aggravated will be the guilt of Great Britain! and what a blot will these transactions forever be in the history of this country! Shall we, then, delay to repair these injuries, and to begin rendering justice to Africa? Shall we not count the days and hours that are suffered to intervene, and to delay the accomplishment of such a work? Reflect what an immense object is before you; what an object for a nation to have in view, and to have a prospect, under the favor of Providence, of being now permitted to attain! I think the House will agree with me in cherishing the ardent wish to enter without delay upon the measures necessary for these great ends; and I am sure that the immediate abolition of the slave-trade is the first, the principal, the most indispensable act of policy, of duty, and of justice that the legislature of this country has to take, if it is indeed their wish to secure those important objects to which I have alluded, and which we are bound to pursue by the most solemn obligations.

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* Every passing month, more especially in recent years, has been happily making the above less and less true. Dr. Livingstone, Speke, Burton, Stanley, and others have all helped to unfold the interior of the continent. Commander Cameron, entering Africa on the east coast, after three years of unheard-of difficulties and dangers, emerged, in November, 1875, at Benguela, on the west coast, having done two thousand miles as the crow flies. Missionary effort is quickly following up the discoveries of our explorers, and is having a proportionate effect in lessening the slave traffic. Many thousands of slaves were formerly taken away from the district around Lake Nyassa; but since the settlement of a mission station there, only forty were taken during 1876. Mission settlements are already established, or in process of establishment, at the other principal African lakes—Tanganyika, Victoria Nyanza, and Albert Nyanza.

There is, however, one argument set up as a universal answer to everything that can be urged on our side; whether we address ourselves to the understandings of our opponents or to their hearts and consciences. It is necessary I should remove this formidable objection; for, though not often stated in distinct terms, I fear it is one which has a very wide influence. The slave-trade system, it is supposed, has taken so deep root in Africa that it is absurd to think of its being eradicted; and the abolition of that share of trade carried on by Great Britain, and especially if her example is not followed by other powers, is likely to be of very little service. Give me leave to say, in reply to so dangerous an argument, that we ought to be extremely sure, indeed, of the assumption on which it rests, before we venture to reply on its validity; before we decide that an evil which we ourselves contribute to inflict is incurable, and on that very plea refuse to desist from bearing our part in the system which produces it. You are not sure, it is said, that other nations will give up the trade, if you should renounce it. I answer, if this trade is as criminal as it is asserted to be, or if it has in it a thousandth part of the criminality which I and others, after through investigation of the subject, charge upon it, God forbid that we should hesitate in determining to relinquish so iniquitous a traffic, even though it should be retained by other countries! God forbid, however, that we should fail to do our utmost toward inducing other countries to abandon a bloody commerce, which they have probably been, in a good measure, led by our example to pursue! God forbid that we should be capable of wishing to arrogate to ourselves the glory of being singular in renouncing it!

I tremble at the thought of gentlemen's indulging themselves in this argument, an argument as pernicious as it is futile. "We are friends," say they, "to humanity. We are second to none of you in our zeal for the good of Africa; but the French will not abolish—the Dutch will not abolish. We wait, therefore, on prudential principles, till they join us, or set us an example."

How, sir, is this enormous evil ever to be eradicated, if every nation is thus prudentially to wait till the concurrence of all the world shall have been obtained? Let me remark, too, that there is no nation in Europe that has, on the one hand, plunged so deeply into this guilt as Britain; or that is so likely, on the other, to be looked up to as an example, if she should have the manliness to be the first in decidedly renouncing it. But, sir, does not this argument apply a thousand times more strongly in a contrary way? How much more justly may other nations point to us, and say, "Why should we abolish the slave trade when Great Britain has not abolished? Britain, free as she is, just and honorable as she is, and deeply, also, involved as she is in this commerce above all nations, not only has not abolished, but has refused to abolish. She has investigated it well; she has gained the completest insight into its nature and effects; she has collected volumes of evidence on every branch of the subject. Her senate has deliberated—has deliberated again and again: and what is the result? She has gravely and solemnly determined to sanction the slave trade. She sanctions it at least for awhile—her legislature, therefore, it is plain, sees no guilt in it, and has thus furnished us with the strongest evidence that she can furnish—of the justice unquestionably—and of the policy also, in a certain measure, and in certain cases at least,—of permitting this traffic to continue."

This, sir, is the argument with which we furnish the other nations of Europe, if we again refuse to put an end to the slave-trade. Instead, therefore, of imagining that by choosing to presume on their continuing it we shall have exempted ourselves from guilt, and have transferred the whole criminality to them, let us rather reflect that, on the very principle urged against us, we shall henceforth have to answer for their crimes as well as our own. We have strong reasons to believe that it depends upon us whether other countries will persist in this bloody trade or not. Already we have suffered one year to pass away, and now the question is renewed, a proposition is made for gradual, with the view of preventing immediate, abolition. I know the difficulty that exists in attempting to reform long-established abuses; and I know the danger arising from the argument in favor of delay, in the case of evils which, nevertheless, are thought too enormous to be borne, when considered as perpetual. But by proposing some other period than the present, by prescribing some condition, by waiting for some contingency, or by refusing to proceed till a thousand favorable circumstances unite together; perhaps until we obtain the general concurrence of Europe (a concurrence which I believe never yet took place at the commencement of any one improvement in policy or in morals), year after year escapes, and the most enormous evils go unredressed. We see this abundantly exemplified, not only in public, but in private life. Similar observations have been often applied to the case of personal reformation. If you go into the street, it is a chance but the first person who crosses you is one

> "Qui recte vivendi prorogat horam."

> "He who delays the hour of living well,
> Stands like the rustic on a river's brink,
> To see the stream run out; but on it flows,
> And still shall flow with current never ceasing."*

We may wait; we may delay to cross the stream before us till it has run down; but we shall wait forever, for the river will still flow on, without being exhausted. We shall be no nearer the object which we profess to have in view, so long as the step which alone can bring us to it is not taken. Until the actual, the only remedy is applied, we ought neither to flatter ourselves that we have as yet thoroughly laid to heart the evil we affect to deplore, nor that there is as yet any reasonable assurance of its being brought to an actual termination.

It has also been occasionally urged that there is something in the disposition and nature of the Africans themselves which renders all prospect of civilization on that continent extremely unpromising. "It has been known," says Mr. Frazer, in his evidence, "that a boy has been put to death who was refused to be purchased as a slave." This single story was deemed by that gentleman a sufficient proof of the barbarity of the Africans, and of the inutility of abolishing the slave-trade. My honorable friend, however, has told you that this boy had previously run away from his master three several times; that the master had to pay his value, according to the custom of the country, every time he was brought back; and that partly from anger at the boy for running away so frequently, and partly to prevent a still further repetition of the same expense, he determined to put him to death. Such was the explanation of the story given in the cross-examination. This, sir, is the signal instance that has been dwelt upon of African barbarity. This African, we admit, was unenlightened, and altogether barbarous; but let us now ask, what would a civilized and enlightened West Indian, or a body of West Indians, have done in any case of a parallel nature? I will quote you, sir, a law passed in the West Indies in the year 1722, which in turning over the book, I happened just now to cast my eye upon; by which law, this very same crime of running away is, by the legislature of the island, by the grave and deliberate sentence of that enlightened legislature, punished with death; and this not in the case only of the third offense, but even in the very first instance. It is enacted, "That if any negro or other slave shall withdraw himself from his master for the term of six months; or any slave that was absent shall not return within that time, it shall be adjudged felony, and every such person shall suffer death." There is another West Indian law, by which every negro's hand is armed against his fellow negroes, by his being authorized to kill a runaway slave, and even having a reward held out to him for doing so. Let the House now contrast the two cases. Let them ask themselves which of the two exhibits the greater barbarity? Let them reflect, with a little candor and liberality, whether on the ground of any of those facts, and loose insinuations as to the sacrifices to be met with in the evidence, they can possibly reconcile to themselves the excluding of Africa from all means of civilization; whether they can possibly vote for the continuance of the slave trade upon the principle that the Africans have shown themselves to be a race of incorrigible barbarians.

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* Epistles of Horace, book i., epistle 2.

I hope, therefore, we shall hear no more of the moral impossibility of civilizing the Africans, nor have our understandings and consciences again insulted by being called upon to sanction the slave-trade until other nations shall have set the example of abolishing it. While we have been deliberating upon the subject, one nation, not ordinarily taking the lead in politics, nor by any means remarkable for the boldness of its councils, has determined on a gradual abolition;* a determination, indeed, since it permits for a time the existence of the slave-trade, which would be an unfortunate pattern for our imitation. France, it is said, will take up the trade if we relinquish it. What? Is it supposed that in the present situation of St. Domingo, of an island which used to take three fourths of all the slaves required by the colonies of France, she, of all countries, will think of taking it up? What countries remain? The Portuguese, the Dutch, and the Spaniards. Of those countries, let me declare it is my opinion that, if they see us renounce the trade after full deliberation, they will not be disposed, even on principles of policy, to rush further into it. But I say more. How are they to furnish the capital necessary for carrying it on? If there is any aggravation of our guilt, in this wretched business, greater than another, it is that we have stooped to be the carriers of these miserable beings from Africa to the West Indies for all the other powers of Europe. And now, sir, if we retire from the trade altogether, I ask, where is that fund which is to be raised at once by other nations, equal to the purchase of 30,000 or 40,000 slaves? A fund which, if we rate them at £40 or £50 each, cannot make a capital of less than a million and a half or two millions of money. From what branch of their commerce is it that these European nations will draw together a fund to feed this monster? to keep alive this detestable commerce? And even if they should make the attempt, will not that immense chasm which must instantly be created in the other parts of their trade, from which this vast capital must be withdrawn in order to supply the slave-trade, be filled up by yourselves? Will not these branches of commerce which they must leave, and from which they must withdraw their industry and their capitals, in order to apply them to the slave-trade, be then taken up by British merchants? Will you not even in this case find your capital flow into these deserted channels? Will not your capital be turned from the slave-trade to that natural and innocent commerce from which they must withdraw their capitals in proportion as they take up the traffic in the flesh and blood of their fellow creatures?

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* Denmark, which (in 1794) made a law that the slave-trade should cease at the end of ten years, i.e., in 1804.

The committee sees, I trust, how little ground of objection to our proposition there is in this part of our adversaries' argument.

Having now detained the House so long, all that I will further add shall be on that important subject, the civilization of Africa, which I have already shown that I consider as the leading feature in this question. Grieved am I to think that there should be a single person in this country, much more that there should be a single member in the British Parliament, who can look on the present dark, uncultivated, and uncivilized state of that continent as a ground for continuing the slave-trade; as a ground not only for refusing to attempt the improvement of Africa, but even for hindering and intercepting every ray of light which might otherwise break in upon her, as a ground for refusing to her the common chance and the common means with which other nations have been blessed, of emerging from their native barbarism.

Here, as in every other branch of this extensive question, the argument of our adversaries pleads against them; for surely, sir, the present deplorable state of Africa, especially when we reflect that her chief calamities are to be ascribed to us, calls for our generous aid, rather than justifies any despair on our part of her recovery, and still less any further repetition of our injuries.

I will not much longer fatigue the attention of the House; but this point has impressed itself so deeply on my mind that I must trouble the committee with a few additional observations. Are we justified, I ask, on any theory, or by any one instance to be found in the history of the world, from its very beginning to this day, in forming the supposition which I am now combating? Are we justified in supposing that the particular practice which we encourage in Africa, of men's selling each other for slaves, is any symptom of a barbarism that is incurable? Are we justified in supposing that even the practice of offering up human sacrifices proves a total incapacity for civilization? I believe it will be found, and perhaps much more generally than is supposed, that both the trade in slaves, and the still more savage custom of offering human sacrifices, obtained in former periods, throughout many of those nations which now, by the blessings of Providence, and by a long progression of improvements, are advanced the furthest in civilization. I believe, sir, that if we will reflect an instant, we shall find that this observation comes directly home to our own selves; and that, on the same ground on which we are now disposed to proscribe Africa forever from all possibility of improvement, we ourselves might, in like manner, have been proscribed, and forever shut out from all the blessings which we now enjoy.

There was a time, sir, which it may be fit sometimes to revive in the remembrance of our countrymen, when even human sacrifices are said to have been offered in this island. But I would especially observe on this day, for it is a case precisely in point, that the very practice of the slave-trade once prevailed among us. Slaves, as we may read in Henry's "History of Great Britain," were formerly an established article of our exports. "Great numbers," he says, "were exported like cattle from the British coast, and were to be seen exposed for sale in the Roman market." It does not distinctly appear by what means they were procured; but there was unquestionably no small resemblance, in this particular point, between the case of our ancestors and that of the present wretched natives of Africa; for the historian tells you that "adultery, witchcraft, and debt were probably some of the chief sources of supplying the Roman market with British slaves; that prisoners taken in war were added to the number; and that there might be among them some unfortunate gamesters who, after having lost all their goods, at length staked themselves, their wives, and their children." Every one of these sources of slavery has been stated, and almost precisely in the same terms, to be at this hour a source of slavery in Africa. And these circumstances, sir, with a solitary instance or two of human sacrifices, furnish the alleged proofs that Africa labors under a natural incapacity for civilization; that it is enthusiasm and fanaticism to think that she can ever enjoy the knowledge and the morals of Europe; that Providence never intended her to rise above a state of barbarism; that Providence has irrevocably doomed her to be only a nursery for slaves for us free and civilized Europeans. Allow of this principle, as applied to Africa, and I should be glad to know why it might not also have been applied to ancient and uncivilized Britain. Why might not some Roman senator, reasoning on the principles of some honorable gentlemen, and pointing to British barbarians, have predicted with equal boldness, "There is a people that will never rise to civilization—there is a people destined never to be free—a people without the understanding necessary for the attainment of useful arts; depressed by the hand of Nature below the level of the human species; and created to form a supply of slaves for the rest of the world." Might not this have been said, according to the principles which we now hear stated, in all respects as fairly and as truly of Britain herself, at that period of her history, as it can now be said by us of the inhabitants of Africa?

We, sir, have long since emerged from barbarism. We have almost forgotten that we were once barbarians. We are now raised to a situation which exhibits a striking contrast to every circumstance by which a Roman might have characterized us, and by which we now characterize Africa. There is, indeed, one thing wanting to complete the contrast, and to clear us altogether from the imputation of acting even to this hour as barbarians; for we continue to this hour a barbarous traffic in slaves; we continue it even yet, in spite of all our great and undeniable pretensions to civilization. We were once as obscure among the nations of the earth, as savage in our manners, as debased in our morals, as degraded in our understandings, as these unhappy Africans are at present. But in the lapse of a long series of years, by a progression slow, and for a time almost imperceptible, we have become rich in a variety of acquirements, favored above measure in the gifts of Providence, unrivaled in commerce, preëminent in arts, foremost in the pursuits of philosophy and science, and established in all the blessings of civil society. We are in the possession of peace, of happiness, and of liberty. We are under the guidance of a mild and beneficial religion; and we are protected by impartial laws and the purest administration of justice. We are living under a system of government which our own happy experience leads us to pronounce the best and wisest which has ever yet been framed; a system which has become the admiration of the world. From all these blessings we must forever have been shut out, had there been any truth in those principles which some gentlemen have not hesitated to lay down as applicable to the case of Africa. Had those principles been true, we ourselves had languished to this hour in that miserable state of ignorance, brutality, and degradation in which history proves our ancestry to have been immersed. Had other nations adopted these principles in their conduct toward us, had other nations applied to Great Britain the reasoning which some of the senators of this very island now apply to Africa, ages might have passed without our emerging from barbarism; and we who are enjoying the blessings of British civilization, of British law, and British liberty, might, at this hour, have been little superior, either in morals, in knowledge, or refinement, to the rude inhabitants of the coast of Guinea.

If, then, we feel that this perpetual confinement in the fetters of brutal ignorance would have been the greatest calamity which could have befallen us; if we view with gratitude and exultation the contrast between the peculiar blessings we enjoy and the wretchedness of the ancient inhabitants of Britain; if we shudder to think of the misery which would still have overwhelmed us had Great Britain continued to the present times to be a mart for slaves to the more civilized nations of the world, through some cruel policy of theirs, God forbid that *we* should any longer subject Africa to the same dreadful scourge, and preclude the light of knowledge, which has reached every other quarter of the globe, from having access to her coasts!

I trust we shall no longer continue this commerce, to the destruction of every improvement on that wide continent; and shall not consider ourselves as conferring too great a boon, in restoring its inhabitants to the rank of human beings. I trust we shall not think ourselves too liberal, if, by abolishing the slave-trade, we give them the same common chance of civilization with other parts of the world, and that we shall now allow to Africa the opportunity, the hope, the prospect of attaining to the same blessings which we ourselves, through the favorable dispensations of Divine Providence, have been permitted, at a much more early period, to enjoy. If we listen to the voice of reason and duty, and pursue this night the line of conduct which they prescribe, some of us may live to see a reverse of that picture from which we now turn our eyes with shame and regret. We may live to behold the natives of Africa engaged in the calm occupations of industry, in the pursuits of a just and legitimate commerce. We may behold the beams of science and philosophy breaking in upon their land, which at some happy period in still later times may blaze with full luster; and joining their influence to that of pure religion, may illuminate and invigorate the most distant extremities of that immense continent. Then may we hope that even Africa, though last of all the quarters of the globe, shall enjoy at length, in the evening of her days, those blessings which have descended so plentifully upon us in a much earlier period of the world. Then also will Europe, participating in her improvement and prosperity, receive an ample recompense for the tardy kindness (if kindness it can be called) of no longer hindering that continent from extricating herself out of the darkness which, in other more fortunate regions, has been so much more speedily dispelled.

" ———Nosque ubi primus equis oriens afflavit anhelis;
Illic sera rubens accendit lumina vesper."

' On us, while early dawn with panting steeds,
Breathes at his rising, ruddy eve for *them*
Lights up her fires slow-coming." *

Then, sir, may be applied to Africa those words, originally used, indeed, with a different view:—

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* Virgil's Georgics.

"His demum exactis———
Devenere locos lætos, et amœna vireta
Fortunatorum nemorum, sedesque beatas,
Largior hic campos Æther et lumine vestit
Purpureo."

"These rites performed, they reach those happy fields,
Gardens, and groves, and seats of living joy,
Where the pure ether spreads with wider sway,
And throws a purple light o'er all the plains." *

It is in this view, sir—it is an atonement for our long and cruel injustice toward Africa, that the measure proposed by my honorable friend most forcibly recommends itself to my mind. The great and happy change to be expected in the state of her inhabitants is, of all the various and important benefits of the abolition, in my estimation, incomparably the most extensive and important.

I shall vote, sir, against the adjournment; and I shall also oppose to the utmost every proposition which in any way may tend either to prevent, or even to postpone for an hour, the total abolition of the slave-trade: a measure which, on all the various grounds which I have stated, we are bound, by the most pressing and indispensable duty, to adopt.

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* Virgil's Æneid, book vi.

SARGENT SMITH PRENTISS

THE DEFALCATIONS OF THE GOVERNMENT

[Sargent Smith Prentiss, an American orator of the fervent and patriotic type, was born in Maine in 1808. He graduated at Bowdoin, and subsequently settled in Mississippi. Here he taught for a time, and then fitted himself for the bar. His success as a lawyer was instant, largely in consequence of his gift of speech. He was in time elevated to the Mississippi legislature and later to Congress, where his oratory gave him a national reputation. He subsequently settled in Louisiana, alleging as a reason the discredit brought upon Mississippi by an evasion of her bonded debt. He died in 1850. The following speech, referring to notorious defalcations by officials high in the government during Van Buren's administration, was delivered in the House of Representatives, in 1838.]

MR. CHAIRMAN: I had intended, upon a former occasion, to have expressed my views upon some of the topics embraced in the President's message, more especially the subject of the recent defalcations. I am, however, so unfortunate as to be viewed by the official eye of this House through an inverted telescope, and it is not often that I can obtain the floor. With much pleasure, therefore, I avail myself of the opportunity at present afforded me. That portion of the message to which I shall principally turn my attention, to wit, the defalcations of the public officers, has been already ably considered by my honorable friend from Virginia (Mr. Wise), as well as by the distinguished member from Tennessee (Mr. Bell). But it is a subject which cannot be too often or too thoroughly discussed. Its examination will, I am confident, eviscerate more of the principles upon which this government has for some years been administered, and furnish us more valuable lessons for future guidance than any other matter that can occupy our deliberations. I am sorry to observe a rapidly increasing hostility upon this floor to the discussion of great political principles. One would suppose, in listening to some gentlemen, that Congress was constituted, like a county court, for the trial of petty individual claims, instead of being the great political tribunal of the nation, whose province and duty it is not only to notice all important events in the action of the government, but to investigate the causes from which they have resulted.

Defalcations of the most alarming character and for an immense amount, carried on and concealed for a series of years by the collector of the principal commercial city of the Union, have been recently developed. The President has seen fit to call our particular attention to this case, and to make, in connection therewith, divers suggestions as to the best mode of preventing similar occurrences hereafter.

> "It seems proper [says the President] that by an early enactment, similar to that of other countries, the application of public money by an officer of the government, to private uses, *should be made a felony and visited with severe and ignominious punishment.*"

He further recommends that a committee of Congress be appointed to watch the officers who have the custody of the public moneys, and that they should

> "report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office unless the default was satisfactorily accounted for."

The secretary of the treasury has also given us a report upon this same subject, in which he expresses his astonishment that such an occurrence should have happened without his knowledge, exhibits, like the President, a most lively horror at the enormity of the offense, and recommends the appointment of an additional tribe of officers to watch over those already in power as the best mode of avoiding similar mishaps in future.

To listen to the well-assumed astonishment of the President and the secretary at the discovery of Swartwout's peculations, one would readily suppose that defalcation, under the present administration, like parricide among the ancients, had heretofore been a crime unknown, and consequently un-provided for by justice. Hearken to the philosophical musings of the President on this point:

> "The government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation."

Wonderful sagacity! Unparalleled discovery! Who will now deny the title of "magician" to the man who has developed the astounding fact "that public officers are not at all times proof against temptation"?

The embezzlements of Swartwout have caused this truth to flash upon the sagacious mind of the Chief Magistrate, and with philanthropic eagerness he recommends that we put a stop to this new sort of wickedness, by making it a penitentiary offense.

Mr. Chairman, if I should tell you that all this is sheer hypocrisy—gross and miserable pretense—a bit thrown out to amuse the popular whale, and divert his attention from the miserable and leaky canoe which bears the fortunes of this administration; if I should tell you that, during the last five or six years, a hundred cases of defalcation have occurred, more outrageous in principle, more profligate in character, than the one we are recommended to investigate; that the President has continued defaulters in office, knowing of their violations of duty, knowing of their appropriation of the public moneys to private uses; that the secretary of the treasury has, during that whole period, habitually connived at these defalcations, and extended over them the mantle of his protection; if I should tell you that these defalcations constitute a portion of the "spoils system"—that system which has been to this administration what his flowing locks were to Samson—the secret of its strength; if I should tell you all this, I should tell you no more than I conscientiously believe, no more than I shall attempt to prove before this House and the country. These defalcations I shall trace to their origin, and not stop to inquire so much into their amounts as into the causes which have led to them. It is not the question, Where is the money? but, Where is the guilt? that I wish to investigate. The recent developments to which our attention is invited are but some of the bubbles that are every day breaking upon the surface of the still and mantling pool. I shall not stop to measure their relative size or color, but will, unpleasant as the task may be, dredge for the corrupt cause which lies at the bottom. These cases are but the windfalls from that tree of Sodom—executive patronage. Heretofore, the representatives of the people have, in vain, urged an examination into the character of its fruit; but it has been guarded with more vigilance than were the golden apples of the Hesperides. Now, our attention is solicited to it by the President. Is he in earnest? Let him but give us a chance to shake this tree, and he will find his rotten pippins falling from every limb and branch.

But our attention is called particularly to the case of Swartwout. The administration has delivered him over to our tender mercies; they have dropped him, as the bear, when hotly pursued, drops one of her cubs, for the purpose of distracting the attention of the hunter, and so escaping with the rest of her young. I, for one, shall not be thus diverted from my purpose, but will follow the dam to her den, and there, if possible, crush at once the whole brood.

Swartwout has been found out. This is the unpardonable sin with the present party in power. Their morality is the Spartan morality; not the theft, but the discovery, constitutes the crime. Sir, if every office-holder's mantle were thrown aside, how many, think you, would be found without a stolen fox fastened to the girdle?

Mr. Chairman, I have no confidence that the President has recommended this investigation in good faith, or that his partners here intend to permit it. They dare not do it. They are not yet sufficiently maddened, scorpion-like, to dart the sting into their own desperate brain. No, sir, it is a mere ruse. Regardless of the maxim that there is honor among thieves, the rest of the office-holders are very willing to turn state's evidence against Swartwout, to gain immunity for themselves and favor with the commonwealth. Let the administration give us a fair committee, favorable to investigation, not packed by the speaker; throw open to us the doors of your departments—those whited sepulchres, within whose secret vaults corruption has so long rioted and reveled; let your insolent subalterns be taught that they owe some allegiance to the laws; compel them to submit their official conduct to a rigid examination by this House; then, and not till then, will I believe them in earnest; then, and not till then, shall I expect any good to come of investigation. But, sir, though little is to be expected from the action of this House, I anticipate much good from the discussion. This hall is the ear of the nation; what is said here touches the auditory nerve of the whole country. Before this mighty audience do I impeach both the President and the secretary—not before the Senate—no, sir; but before the people—before fifteen millions of freemen.

I charge them with knowingly appointing and continuing in office public defaulters—men who had appropriated the public moneys to private use; who had committed, in office, acts of as great moral turpitude, and deserving of as much odium, as attaches to the case of Swartwout; acts which the President now professes to think are deserving of the penitentiary. I charge the secretary, directly, with having caused, by negligence, and knowing, wilful connivance, some of the most important defalcations which have occurred. I charge him specifically with having, in one case, literally watched a defalcation through a period of more than two years, and seen it gradually swell, during that time, to upwards of $100,000. I charge him with having permitted, in numberless instances, the repeated and continued neglect and violation of what he himself asserts to be the paramount duty, without removing from office, or even reprimanding, the delinquents. I charge him with having, in his official capacity, received, and favorably considered, correspondence degrading to his high office, insulting to him as an honest man, and of a corrupt and profligate character.

Sir, the secretary can escape only by the plea of non compos mentis. Out of his own mouth I will convict him; I will but let loose upon him the documents he himself has furnished, and like the hapless Acteon, he will be torn to pieces by his own hounds.

But the secretary says he was not bound to notice these defalcations; that it was impossible for him to scent them out. After reading the foregoing letters and extracts—"elegant extracts" they may be called—I am inclined to think Mr. Secretary Woodbury has taken his cue in this matter from the following fable, which, if my friend from Virginia (Mr. Wise) will do me the favor to read, he will afford a moment's relief both to the House and myself. [Here Mr. Wise read, with much humor, from a paper handed him by Mr. Prentiss.]

"'And how did it happen, Pat, that Misther Van Buren always kept in with the ould gineral, as he did?'

"'Why, I am thinking, Murphy, it was because he always had such a bad cowld, jist!'

"'And what had his having a cowld to do with the matter at all, at all?'

"'Why, did ye never hear, Murphy, my boy, of the fox that had a cowld? Then I'll tell ye. Once there was a lion that wanted to know how polite all the bastes were. So he made a great smell in his den with brimstone, or something else—I don't mind what jist—but it smelt enough to knock you down intirely; and then he called in the bear, and says he, "Good morning, Mr. Bear, and what d'ye think of the smell here this morning?" and says the bear, says he, "Why, it smells *bad*." "What's that you say?" says the lion; "take that," says he, ateing him up altogether; "take that, and see if it will tache ye politeness, ye unmannerly son of a cub!" Now, when the bear was ate up, the lion called the monkey; and asked him the same question precisely. Now the monkey, seeing the bear that the lion had swallowed lying dead in the corner, says he, "May it please yer Majesty," says he, "it's jist the most delightful smell I ever smelt in my life, at all, at all." "So it is," said the lion, patting him on the head, easy like, so as to bate the breath clane out of his body, "so it is," said he, "and now you'll not tell another lie soon, I'm thinking."

"'Now, when the lion had kilt the bear and the monkey, he called in the fox to him, and says he, looking very savage, and ready to ate him up if he should make the laste fox-paw, at all, "Good morning, Fox," says he, "how does my parlor smell to-day?" And says the fox, wiping his nose with the brush of his tail, and pulling down his eyelid with his paw, as much as to say, "D'ye see any green there, my honey?" "Faith," says he, "may it please your Majesty, I've a very bad cowld this morning, and it's me that can't smell at all, at all!" So the lion laughed; and tould the fox he was a very clever baste, and that he might tread in his footsteps, if he could straddle wide enough, and that all the other bastes should mind him, or he would ate them up as he had done the bear.' "

The secretary [Mr. Prentiss resumed], though in other respects he resembles a much larger and less cunning animal, in this matter has certainly taken a lesson from the fox. "He's had a very bad cowld," and "couldn't smell at all, at all." No, sir; the stench of corruption, which has been so long steaming up from his department, has not, it seems, yet offended his olfactories. Besides all this, his friends excuse him by saying that the government will, probably, not ultimately lose anything by these defalcations; that the money will be recovered, either from the defaulters or other sureties.

Sir, if a thief is detected, and compelled to disgorge the subject of his larceny, does it relieve the rogue and his accomplices from guilt? does it extinguish the crime? Upon the answer to this question depends the validity of the secretary's excuse.

It is also urged in his favor, that defalcations have occurred under other administrations; that the public money has been stolen before. This plea I feel compelled to allow to its whole extent. "Brave men lived before Agamemnon" and great rogues before Levi Woodbury. In justice to the secretary, I cannot deny that *his pets* are not the first thieves on record; and I give him joy of the able defense which his friends have extracted from this remarkable circumstance.

And now, Mr. Chairman, what do you think of this secretary of the treasury? Of his epistolary talent? Of his capacity and fitness for the station he occupies? He resembles much, both in manner and morality, that worthy old lady who lived at "The Mug," in Bulwer's "Paul Clifford," and rejoiced in the name of Mrs. Margery Lobkins, more familiarly called "Peggy Lob."

His correspondence with his subalterns cannot fail of calling to your recollections the exquisite admonitions of honest Peggy to Leetle Paul.

Thus moralized, not Levi, but the kind-hearted dame:—

> "'Mind thy kittychism, child, and reverence old age. Never *steal*,—'specially when any one be in the way. Be modest, Paul, and stick to your sitivation in life. Read your Bible and talk like a pious 'un. People goes by your words more than your *actions*. If you wants what is not your own, try and do without it; and, if you cannot do without it, take it away by insinivation, not bluster. They as swindles does more and risks less than they as robs.'"

Yes, sir, "people goes more by your words than by your actions." Well has the President studied this maxim, and cunningly did he practice upon it when he recommended that defalcation should be made a penitentiary offense. Peggy Lob placed in Leetle Paul's hand the sum of five half-pence and one farthing.

> "'There, boy,' quoth she, and she stroked his head fondly when she spoke" [just as Levi caresses his subordinates], "'you does right not to play for nothing, it's loss of time! but play with those as be less than yourself, and then you can go for to beat 'em if they say you goes for to cheat.'"

Ay, and it has not been long since this was the doctrine of those in power, and "to go for to beat those who say you go for to cheat" became the watchword of the party. I recollect well, and my honorable friend who sits near me (Mr. Wise) recollects still better than I do, those days of terror, when he had to legislate, as he told us the other day, with "harness on"; when the best argument was the pistol, and the only law was club-law. It was the time when "Hurrah for Jackson" constituted the "Open Sesame" of power, which gained at once admittance into the robber's cave and participation in the plunder.

Then General Jackson had but to whistle, and

> "Instant from copse and heath arose
> Bonnets, and spears, and bended bows."

His followers, like those of Roderick Dhu, started up in every direction, ready and eager to perform his bidding. He had but to point his finger, his fierce bloodhounds buried their muzzles in the unfortunate victim of his wrath.

Then was the saturnalia of the office-holders; and like the locusts of Egypt, they plagued the land. Few dared to whisper of corruption or defalcations; and a bold man was he who proposed to investigate them, for it was sure to bring down upon his head the rage which never relented, and the anger which nothing but furious persecutions could assuage.

There was one man, however, who blenched not before General Jackson's frown, and who dared to oppose an investigation into frauds and corruptions which had become so palpable and gross as to be an offense in the nostrils of the community. He occupied, at that time, a seat in the other end of this building, as senator from my own state; a state upon whose laws and institution his talents and genius are indelibly impressed. The political history of Mississippi is illustrated by his name, from its very commencement. He served her in all her departments; and as legislator, judge, and governor, advanced her prosperity and added to her character. What he was as senator you all know. He stood proudly among the proud, and lofty among the loftiest, at the time when the senate chamber contained the garnered talent of the country; when its intellectual giants shook the whole nation with their mighty strife; when, sir, it enclosed within its walls the most transcendent deliberative body that ever was assembled upon this earth. The floor of that body was his proper arena. To a correctness of judgment, which would have given him reputation even without the capacity of expression, he joined a power of debate which, for parliamentary strength and effect, was unsurpassed. To all this was added a stern, unyielding attachment to his political principles and an indomitable boldness in expressing and sustaining them.

Do you not recollect, sir, when General Jackson, like Charles I., strode to the legislative chamber, and thrust among the senators a despotic edict, more insulting than if he had cast at their feet a naked sword? It was that fierce message which commenced that breaking down of the independence and character of the Senate, and finally resulted in that worse than felon act, the desecration of its records. But the mandate passed not unopposed or unrebuked.

When it burst, like a wild beast from his lair, upon the astonished body whose degradation it contemplated, and in the end accomplished, most of the distinguished senators were absent; but he of whom I speak was at his post. Single-handed and alone, like Cocles at the way of the bridge, he held at bay the Executive squadrons, and for a whole day drove back the mamelukes' power; till at the sound of his voice, as at the sound of a trumpet, his gallant compeers, the champions of freedom, the knights—not of the black lines, but of the constitution—came flocking to the rescue. Sir, it was a noble scene, and worthy of the best times of the Roman republic. A senator of the United States, in bold and manly pride, trampling under foot Executive insult, and protecting at the same time the honor of his country and the dignity of his station. There was a moral chivalry about it, far above the heroism of the field. Even now the contemplation of it makes the blood thrill through the veins, and flush the forehead to the very temples.

I need not tell you that man's name was George Poindexter; a name that will long and honorably live among the lovers of independence and the haters of tyranny. But he dared to propose an investigation into the frauds and corruptions of the government, and from that moment his doom was sealed. The deep, turbid, and resistless current of Jacksonism swept him from the state in whose service the best of his life had been expended; and, ostracized from her councils, he became an exile in other lands.

Sir, the office-holders in this country form an oligarchy too powerful to be resisted. Why was not Spencer removed? Why was not Harris? Why not Finn and Boyd? I will tell you. The administration did not dare to remove them, even had it wished to do so; like pachas, they had become too powerful for the sultan, and would not have hesitated in twisting the bowstring round the neck of the messenger who presented it.

Since the avowal of that unprincipled and barbarian motto, that "to the victors belong the spoils," office, which was intended for the use and benefit of the people, has become but the plunder of party. Patronage is waved like a huge magnet over the land, and demagogues, like iron filings, attracted by a law of their nature, gather and cluster around its poles. Never yet lived the demagogue who would not take office.

The whole of our government, the whole institutions of the country, are thus prostrated to the uses of party. And I express my candid opinion when I aver that I do not believe a single office of importance within the control of the Executive has, for the last five years, been filled with any other view, or upon any other consideration, than that of party effect; and if good appointments have been made, and benefit accrued to the country, it has been accidental, and not a voluntary result. Office is conferred as the reward of partisan service; and what is the consequence? Why, the office-holders are not content with the pitiful salaries which afford only small compensation for present labors, but do not, in their estimation, constitute any reward for their previous political services. This reward, they persuade themselves, it is perfectly right to retain from whatever passes through their hands. Believing that all moneys in their possession belong not to the people, but to the party, it requires but small exertion of casuistry to bring them to the conclusion that they have the right to retain what they may conceive to be the value of their political services; just as a lawyer holds back his commissions. The administration countenances all this; winks at it as long as possible; and when public exposure is inevitable, usually gives the bloated plunderer full warning and time to escape with his spoils.

Do you not see the eagerness with which even governors, senators, and representatives in Congress grasp at the most trivial appointments—the most insignificant emoluments? Well do these sons of the horse-leech know that there is more blood in the body than what mantles in the cheek, and more profit in an office than is exhibited by the salary. Sir, I have given you but three or four cases of defalcation; would time permit, I could give you an hundred. Like the fair sultana of the oriental legends, I could go on for a thousand and one nights; and even as in these Eastern stories, so in the chronicles of the office-holders, the tale would ever be of heaps of gold, massive ingots, unaccounted riches. Why, sir, Aladdin's lamp was nothing to it. They seem to possess the identical cap of Fortunatus; some wish for fifty thousand dollars, some for one hundred thousand dollars, some for a million; and behold, it lies in glittering heaps before them. Not even

> " . . . the gorgeous East, with richest hand,
> Showers on her kings barbaric pearls and gold "

in such lavish abundance as does this administration upon its followers. Pizarro held not forth more dazzling lures to his robber band, when he led them to the conquest of the Children of the Sun.

And now, Mr. Chairman, have I not redeemed my promise? Have I not shown that the President is but a hypocrite in his pretended horror at defalcation; that the secretary is much worse—a conniver, a weak, imbecile, particeps criminis? Let his defenders reconcile his conduct in the case of Harris with his official duty—with the dictates of common honesty, if they can; I dare them to the trial. Let them reconcile his licentious correspondence with Spencer, Hendricks, and more especially with Garesché, with the principles of common decency.

Mr. Chairman, it is not my intention to examine minutely the case of Swartwout. I know not why the President should have selected it out of so many, as the subject of special communication. There is, however, one curious matter connected with this subject, which I shall notice. President, secretary, and the party, all profess to unite in the belief that the defalcations of Swartwout, Price, and others afford the best possible argument in favor of the sub-treasury scheme. Most of these defalcations, say they, occurred under the deposit system; and therefore to that system these losses are attributable. Now, sir, if you will look over this Document 297, you will find that out of the two hundred and sixty-five letters to receivers and collectors, nearly two hundred contain complaints that the public money had not been deposited in bank, but retained in the hands of the officer. If you will look into the cases of Harris and Boyd, you will see that their defalcations could not have taken place had the secretary not indulged them in the continued and habitual violation of this duty of periodical deposits. But the proposition itself is grossly absurd. It amounts to this—that the running away of sub-treasurers with large amounts of the public money is proof of the safety of the sub-treasury system; in other words, stealing is proof of honesty. It is the holding of the money in the hands of the officer which produces the temptation to peculate. By having it in his custody, by continual viewing and counting, he comes at length to look upon and use it as his own.

The system is corrupt in its tendency; all experience says so. The first sub-treasurer since the Christian era was Judas Iscariot; he carried the bag; and it was doubtless as much by his disposition to appropriate its contents to his own private use as by the thirty pieces of silver that he was tempted to betray his Master.

But I understand the Executive goes still farther; and pointing to those very defalcations, demands an additional band of officers to watch the rest, and prevent them walking in the footsteps of their predecessors. So Pisistratus gashed himself with unseemly wounds, and, telling the people they had been inflicted by his enemies, asked for an additional guard to protect him. His request was granted; fifty men were given to him, with whom he immediately seized upon the citadel, and became the tyrant of Athens. Let not the lesson be lost, when you are asked to increase the number of office-holders.

No, sir; these defalcations teach another lesson, and one well worth the cost, if we will but profit by its admonitions. They teach that the sub-treasury system is but the hot-bed of temptation and crime. They teach that the public treasure cannot be safely confided to individual custody.

Sir, this government may determine to watch, like Turks, with jealous care, its golden harem; but it will seek in vain for the financial eunuchs who have the power to guard without the wish to enjoy.

Mr. Chairman, the amount of money we have lost, great as it is, presents a question of but little comparative importance. If this whole administration would take passage in the Great Western, and, with the treasury in their pockets, follow after Swartwout and Price, I doubt not that the country would cry "quits," and think it a happy riddance. But it is a deep and a vital question, how such things are to be prevented in future; how this running sore is to be healed; how this system of negligence and corruption is to be stopped, and the action of the government brought back to its original purity.

Give us the right sort of a committee—one that will go through the departments as Van Tromp swept through the British channel, with a broom at the mast-head, and something, perhaps, may be done. But for my own part, I look for no good except in a change of rulers.

This administration was conceived in sin and brought forth in iniquity: it has not belied its parentage. It is essentially and radically corrupt. In the language of an English historian, describing the reign of the eighth Henry, "it has attained as near to perfect depravity as the infirmities of human nature would permit." Just before an election it would talk of reform, and deprecate, with holy horror, the consequences of its own misdeeds; but no sooner is the object accomplished than it returns to its policy like a dog to his vomit.

I have no hope of reform in the party in power; my only hope is that the people, convinced of their hypocrisy and wickedness, will hurl them from the high places they have so long disgraced. That a consummation so devoutly to be wished may be obtained, let us unite in exhibiting to the country their true principles; let us fasten upon them the responsibility of their actions. In this patriotic work I trust I shall find with me my honorable friend from South Carolina, who sits near me (Mr. Pickens). Often has he led fierce assault against these very corruptions. "Has his hand waxed weak or his heart waxed cold" that his war-cry has not tingled in our ears? Surely the "horn of Roland" will sound again; surely in this, his favorite battle, he will strike one more blow for Christendom before he renounces the cross and assumes the turban. Sir, I see by his flashing eye his soul is with us; the spirit of the past is rising before him; he recollects that not many moons have yet waxed and waned since this very party, who now claim him as an ally, crouched and howled like an exorcised demon beneath the magic of his burning word. Let him come out from among them—he and his friends; for they are not of them: eagles mate not with kites and carrion crows.

Sir, I should rejoice to see the gallant gentleman resume his original position. I should be proud to win my spurs under so well-proved and accomplished a leader.

Let me call to his mind a fable, with which he is doubtless familiar: A gaunt, ravenous wolf, hastily gorging the spoils of some plundering expedition, was choked by a bone, and lay at the point of death. A stork happened to be passing that way, and, moved by an ill-judged pity, extended her long neck down the wolf's throat, and extracted the bone. Upon modestly suggesting the propriety of some reward for so generous an act, the stork was told, with a wolfish scowl, that she ought to consider herself fortunate that her head was not bitten off during the operation.

Now, I take it that it requires no name written beneath this picture to enable the most obtuse to recognize, in the ravenous wolf, the present party in power. The picture will also call to mind how this party, some years ago, while gorging, with wolfish appetite, upon the "spoils," got a bone in its throat, and lay at the point of dissolution. I leave it to the sagacity of the gentleman from South Carolina to finish the resemblance; to say who acted toward the administration the part of the benevolent stork; and to reflect upon the boon she is likely to receive for her kindness.

Sir, the immense peculations of Swartwout, Price, and others, or rather, the exposure of them, has alarmed the administration.

They propose to make up the losses by retrenchment. And what do you suppose are the subjects of this new and sudden economy? What branches of the public service are to be lopped off on account of the licentious rapacity of the office-holders? I feel too indignant to tell you. Look into the report of the secretary of the treasury, and you will find out. Well, sir, what are they? Pensions, harbors, and light-houses. Yes, sir, these are to be recommended as proper subjects for retrenchment. First of all, the scarred veterans of the Revolution are to be deprived of a portion of the scanty pittance doled out to them by the cold charity of the country. How many of them will you have to send forth as beggars upon the very soil which they wrenched from the hand of tyranny, to make up the amount of even one of these splendid robberies? How many harbors will it take—those improvements dedicated no less to humanity then to interest; those nests of commerce, to which the canvas-winged birds of the ocean flock for safety? How many light-houses will it take? How many of those "bright eyes of the ocean," as my friend from Virginia beautifully calls them, are to be put out? How many of those faithful sentinels who stand along our rocky coast, and, peering far out in the darkness, give timely warning to the hardy mariner where the lee shore threatens—how many of these, I ask, are to be discharged from their humane service? Why, the proposition is almost impious. I should as soon wish to put out the stars of heaven.

Sir, my blood boils at the cold-blooded atrocity with which this administration proposes to sacrifice the very family jewels to pay for the consequences of its own profligacy. If they wish to retrench, let them cut down salaries instead of light-houses; let them abandon offices instead of harbors; let them turn out upon the world some of their wide-mouthed partisans instead of the soldiers of the Revolution.

Mr. Chairman, I have done; I had intended to notice other portions of the message, but shall defer it; for I have already too far taxed the patience of the committee. I shall vote in the House for an investigation, though I do not expect much from it. My hope is in an investigation by a higher authority than this House—by the people. The evil of the times lies not in particular cases, but in the higher principles of the party. Legislation cannot reach it. It is a radical evil, and the people alone can cure it. That they will do so, and in the only way it can be done, by a change of rulers, I have a high and holy confidence. This administration has eaten like a cancer so far into the institutions of the country that, unless the remedy be soon applied, it will be too late. I do most conscientiously believe that if the present dynasty is continued in power, constitutional liberty cannot survive. Already our institutions are half corrupted. Already anarchy and despotism are leagued together against the Constitution and the laws. Let him who doubts it look at the proceedings in a neighboring state, and the conduct of the Federal Executive in relation thereto.

Let Mr. Van Buren be reëlected; let him continue to be guided by the counsels of Mephistopheles and Asmodeus, the two familiars who are ever at his elbow—those lords, the one of letters, and the one of lies—and it will not be long that this mighty hall will echo to the voice of an American representative. This Capitol will have no other uses than to attract the curiosity of the passing traveler, who, in melancholy idleness, will stop to inscribe upon one of these massive pillars, "Here was a republic."

JOSIAH QUINCY

ON THE ADMISSION OF LOUISIANA

[Josiah Quincy was born in Boston in 1772. He graduated from Harvard, studied law with William Tudor, and was admitted to the bar in 1793. Besides his practice of law, he was interested in literature, history, and politics, to the study of which he devoted much time. He was elected to the state senate in 1804, and went to Congress in the fall of the same year. Here he remained till 1813. He was an extreme Federalist, and was a member of the famous "Essex Junta." In the House he was the recognized leader of the Federal minority. His career in Congress was chiefly distinguished for his opposition to the Embargo Act of Madison, the Annexation of Louisiana, and the War of 1812. Following this term for the ten years after 1813 he was several years a member of the Massachusetts legislature; in 1820 he was a member of the state convention that was called to revise the Constitution. He was mayor of Boston from 1823 to 1828, and President of Harvard College from 1829 to 1845. From then until his death, July 1, 1864, he lived a quiet, retired life, devoted to literary pursuits. The speech that ensues expresses apprehension of danger in admitting the Louisiana territory to the Union, and was made in the House of Representatives, in 1811.]

MR. SPEAKER: I address you, sir, with anxiety and distress of mind, with me, wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation, which they expect to see pass without other questions than those concerning details. But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that in no great length of time it may produce it. When I see the zeal and perseverance with which this bill has been urged along its parliamentary path, when I know the local interests and associated projects which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate. But, sir, while there is life there is hope. So long as the fatal shaft has not yet sped, if Heaven so will, the bow may be broken and the vigor of the mischief-meditating arm withered. If there be a man in this House or nation who cherishes the Constitution under which we are assembled, as the chief stay of his hope, as the light which is destined to gladden his own day, and to soften even the gloom of the grave, by the prospects it sheds over his children, I fall not behind him in such sentiments. I will yield to no man in attachment to this Constitution, in veneration for the sages who laid its foundations, in devotion to those principles which form its cement and constitute its proportions. What, then, must be my feelings; what ought to be the feelings of a man, cherishing such sentiments, when he sees an act contemplated which lays ruin at the foot of all these hopes? When he sees a principle of action about to be usurped, before the operation of which the bands of this Constitution are no more than flax before the fire, or stubble before the whirlwind? When this bill passes, such an act is done, and such a principle is usurped.

Mr. Speaker, there is a great rule of human conduct, which he who honestly observes cannot err widely from the path of his sought duty. It is to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the results of their application; and to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare IT AS MY DELIBERATE OPINION, THAT IF THIS BILL PASSES, THE BONDS OF THIS UNION ARE, VIRTUALLY, DISSOLVED; THAT THE STATES WHICH COMPOSE IT ARE FREE FROM THEIR MORAL OBLIGATIONS, AND THAT AS IT WILL BE THE RIGHT OF ALL, SO IT WILL BE THE DUTY OF SOME, TO PREPARE, DEFINITELY, FOR A SEPARATION: AMICABLY, IF THEY CAN; VIOLENTLY, IF THEY MUST.

Touching the general nature of the instrument called the

Constitution of the United States there is no obscurity, it has no fabled descent, like the palladium of ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness of passed, unexplored ages; it is the fabric of our day. Some now living had a share in its construction; all of us stood by and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what? The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution, for the United States of America."

It is we, the people of the United States, for ourselves and our posterity; not for the people of Louisiana; nor for the people of New Orleans or of Canada. None of these enters into the scope of the instrument; it embraces only "the United States of America." Who these are, it may seem strange in this place to inquire. But truly, sir, our imaginations have, of late, been so accustomed to wander after new settlements to the very ends of the earth that it will not be time ill spent to inquire what this phrase means, and what it includes. These are not terms adopted at hazard; they have reference to a state of things existing anterior to the Constitution. When the people of the present United States began to contemplate a severance from their parent state it was a long time before they fixed definitely the name by which they would be designated. In 1774 they called themselves "the Colonies and Provinces of North America." In 1775, "the Representatives of the United Colonies of North America." In the Declaration of Independence, "the Representatives of the United States of America." And finally, in the articles of confederation, the style of the confederacy is declared to be "the United States of America." It was with reference to the old articles of confederation, and to preserve the identity and established individuality of their character, that the preamble to this Constitution, not content, simply, with declaring that it is "we, the people of the United States," who enter into this compact, adds that it is for "the United States of America." Concerning the territory contemplated by the people of the United States, in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the Atlantic Ocean, the St. Croix, the Lakes, and more precisely, so far as relates to the frontier, having relation to the present argument, within "a line to be drawn through the middle of the river Mississippi, until it intersect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the river Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight to the head of the St. Mary's River, and thence down the St. Mary's to the Atlantic Ocean."

That part of the third section of the fourth article on which the advocates of this bill rely, is the following: "New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress."

I know, Mr. Speaker, that the first clause of this paragraph has been read, with all the superciliousness of a grammarian's triumph—"New states may be admitted by the Congress into this Union,"—accompanied with this most consequential inquiry: "Is not this a new state to be admitted? And is there not here an express authority?" I have no doubt this is a full and satisfactory argument to every one who is content with the mere colors and superficies of things. And if we were now at the bar of some stall-fed justice, the inquiry would insure the victory to the maker of it, to the manifest delight of the constables and suitors of his court. But, sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their Constitution. These are not to be made the victims of the inevitable obscurity of general terms, nor the sport of verbal criticism. The question is concerning the intent of the American people, the proprietors of the old United States, when they agreed to this article. Dictionaries and spellingbooks are here of no authority. Neither Johnson, nor Walker, nor Webster, nor Dilworth has any voice in this matter. Sir, the question concerns the proportion of power reserved, by this Constitution, to every state in this Union. Have the three branches of this government a right, at will, to weaken and outweigh the influence, respectively secured to each state in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States? The question has not relation merely to New Orleans. The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theater, in which this government assumes the right of exercising this unparalleled power. And it will be; there is no concealment, it is intended to be exercised. Nor will it stop until the very name and nature of the old partners be overwhelmed by newcomers into the confederacy. Sir, the question goes to the very root of the power and influence of the present members of this Union. The real intent of this article, is, therefore, an injury of most serious import; and is to be settled only by a recurrence to the known history and known relations of this people and their Constitution. These, I maintain, support this position, that the terms "new states," in this article, do not intend new political sovereignties, with territorial annexations, to be created without the original limits of the United States. Suppose, in private life, thirteen form a partnership, and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership after so palpable an infringement of their rights? How much more in the political partnership, where the admission of new associates, without previous authority, is so pregnant with obvious dangers and evils! Again, it is settled as a principle of morality, among writers on public law, that no person can be obliged, beyond his intent at the time of contract. Now, who believes, who dare assert, that it was the intention of the people, when they adopted this Constitution, to assign, eventually, to New Orleans and Louisiana, a portion of their political power; and to invest all the people those extensive regions might hereafter contain, with an authority over themselves and their descendants? When you throw the weight of Louisiana into the scale, you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed that, beyond its fair and acknowledged intent, such a compact has no moral force? If gentlemen are so alarmed at the bare mention of the consequences, let them abandon a measure which, sooner or later, will produce them. How long before the seeds of discontent will ripen, no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the Northern and Atlantic states will, or ought to, look on with patience and see representatives and senators, from the Red River and Missouri, pouring themselves upon this and the other floor, managing the concerns of a sea-board fifteen hundred miles, at least, from their residence; and having a preponderancy in councils, into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it, with content. It is the part of a wise man to foresee danger and to hide himself. This great usurpation, which creeps into this House, under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. Upon the actual condition of things, there is, there can be, no need of concealment. It is apparent to the blindest vision. By the course of nature, and conformable to the acknowledged principles of the Constitution, the scepter of power, in this country, is passing toward the Northwest. Sir, there is to this no objection. The right belongs to that quarter of the country. Enjoy it; it is yours. Use the powers granted as you please. But take care, in your haste after effectual dominion, not to overload the scale by heaping it with these new acquisitions. Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution.

New states are intended to be formed beyond the Mississippi. There is no limit to men's imaginations, on this subject, short of California and Columbia River. When I said that the bill would justify a revolution and would produce it, I spoke of its principle and its practical consequences. To this principle and those consequences I would call the attention of this House and nation. If it be about to introduce a condition of things absolutely insupportable, it becomes wise and honest men to anticipate the evil, and to warn and prepare the people against the event. I have no hesitation on the subject. The extension of this principle to the states contemplated beyond the Mississippi cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better; the more hope that the evils may be palliated or removed.

Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, to partake the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. His mind grasps in its view the past and future, as well as the present. We live not for ourselves alone. That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system, prescribed in the Constitution. These limitations, so long as they are faithfully observed, maintain order, peace, and safety. When they are violated, in essential particulars, all the concurrent spheres of authority rush against each other; and disorder, derangement, and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our Union, concerning which so much sensibility is expressed, I have no fears about analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss" which it enables us to realize. It grows out of the affections, and has not, and cannot be made to have, anything universal in its nature. Sir, I confess it: the first public love of my heart is the commonwealth of Massachusetts. There is my fireside; there are the tombs of my ancestors—

"Low lies that land, yet blest with fruitful stores,
Strong are her sons, though rocky are her shores;
And none, ah! none, so lovely to my sight,
Of all the lands which heaven o'erspreads with light."

The love of this Union grows out of this attachment to my native soil, and is rooted in it. I cherish it, because it affords the best external hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of New Orleans; but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. I have no concealment of my opinion. The bill, if it passes, is a death-blow to the Constitution. It may, afterward, linger; but, lingering, its fate will, at no very distant period, be consummated.

SAMUEL JACKSON RANDALL

TARIFF LEGISLATION

[Samuel Jackson Randall was born in Philadelphia, Pa., in 1818, and after being carefully educated in the public schools and the University Academy of Philadelphia, he entered business, but devoted much time to politics. He was an old-line Whig at first, but in 1858 he entered the state Senate, becoming a Democrat on the breaking up of the Whig party. At the opening of the Civil War he entered the northern army as a private, and rose through the various ranks to that of captain and provost-marshal. On his return he was elected to Congress, where he sat continuously until his death, which took place in Washington in 1890. As speaker of the Forty-fifth, Forty-sixth, and part of the Forty-fourth Congress, he gained the reputation of an able debater and parliamentarian, and though a Democrat, he was one of the strongest protectionists in the country—a fact which alienated many of his friends, though no one thought of accusing him of disloyalty to his party. He was a leader in the reconciliation of the South, even though he had advocated the severest war measures to preserve the Union. The speech that follows was made in the House of Representatives, in 1882, in opposition to the Morrison Tariff Bill.]

MR. CHAIRMAN: It is my purpose, in this debate, to be as brief and practical in the expression of my views as possible, preferring, for obvious reasons, the postponement of all general discussion of details of necessary legislation until the revision of the present tariff shall be directly under consideration. It is a subject at all times and in every country full of difficulty and embarrassment, and yet it is as old as government itself, and has exhausted, as we know, the highest mental efforts of the most celebrated statesmen. Some few points have been settled and accepted generally, but they are not many. Hallam, the justly esteemed constitutional historian, in his "Europe during the Middle Ages," lays down this axiom, which our experience as a people justifies, and which will not be disputed:—

> "It is difficult to name a limit beyond which taxes will not be borne without impatience, when they appear to be called for by necessity and faithfully applied, nor is it impracticable for a skilled minister to deceive the people in both these respects. But the sting of taxation is wastefulness. What high-spirited man could see without indignation the earnings of his labor, yielded ungrudgingly to the public defense, become the spoil of parasites and peculators? It is this that mortifies the liberal hand of public spirit; and those statesmen who deem the security of government to depend, not on laws and armies, but on the moral sympathies and prejudices of the people, will vigilantly guard against even the suspicion of prodigality."

It is equally true that excessive taxation, even when it is successful in securing excessive revenue, is ultimately destructive of the sources of labor from which it is drawn; while at the same time it engenders extravagance, corruption, and decay. For when the government sets the example of extravagance, it is soon followed in every walk of life, and one does not need to be a prophet to foretell the general ruin which must inevitably result. Frugality and economy never destroyed any government, while they have built up the most powerful empires the world has ever witnessed.

So much for general statement. Revenue laws have been a subject of discussion, agitation, and anxiety from the earliest days of our political history. Indeed, Sabine, in his "Loyalists of the American Revolution," states positively his convictions, after careful study of documentary history and state papers, that they "teach nothing more clearly than this, namely, that almost every matter brought into discussion was practical, and in some form or other related to labor, to some branch of common industry." He states further on that there were no less than twenty-nine laws which restricted and bound down colonial industry.

The manner of raising the necessary revenue for the support of the government has been, as I have said, at all times in the United States the cause of irritation to the people. And we need not be surprised at this, when we consider the vast extent of our domain, and the almost endless diversity of productions of the soil, and of manufactures, and every branch of human industry.

The existing overflowing treasury brings a demand for reduction of the tariff and internal revenue taxes. In my opinion, in such a condition of our finances reduction of taxation should at once begin. Unnecessary taxation is injurious to the interests of the people in many directions. Government has no justification for the collection of burdensome taxes in excess of the sum requisite for the support of its proper administration. What have we seen in this Congress? The excess of our resources has induced the presentation of every conceivable scheme to deplete the treasury, and our expenditures, unless checked in time, will reach enormous proportions and bring back again, as prior to 1874, a saturnalia of extravagance and disgrace.

In the matter of taxation we are acting under a written Constitution. "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." I need not enlarge upon our traditional history in this regard, and it will be accepted as true that only at periods of great necessity and urgency have excise or internal taxes been resorted to. Our present internal revenue system grew up out of the necessities of the war, and when those necessities cease that taxation should disappear. When the framers of the Constitution gave the power to impose excise duties it was a point of serious dispute, and was agreed to finally only as a resort in case the government should be involved in war, and not to be exercised as a permanent mode of raising revenue.

I will not enlarge upon this, I believe it to be incontrovertible, however men may change sides because of other considerations affecting other questions; and I do not forget that Thomas Jefferson, the author of the Declaration of Independence and the founder of the Democratic party, brought about the repeal of internal or excise taxes as one of the very first acts of his administration as President of the United States.

I favor, therefore, as speedily as possible, a total abolition of our internal revenue system, and I am ready to join hands with any and all in this House in favor of an equalization of our duties and imports. No one who understands the existing tariff laws will deny the justice and necessity of revision.

The present duties were for the most part levied during war, and for the purpose of raising a large war revenue. It will suffice in this connection to quote the Industrial League as unanswerable in this regard, as it is an admission on the part of those who favor the highest protective duties:—

> "They consider such revision desirable for the interest both of the industries affected and those of consumers, partly on account of some original imperfections in the present tariff, and partly on account of the modifications which are demanded by the changes which have occurred in conditions of production and commerce."

There should be, however, no vicious assault on these laws. Changes should have a firm foundation in reason, and especially should we avoid mere experimental and purely speculative efforts on this vital subject. Our excess of revenue now approaches in amount the annual receipts from internal and excise taxes. If proper economy be exercised in expenditures they can be made to be within the limits of our ordinary resources of taxation, enabling us without jar or friction to repeal the internal tax laws, which are inquisitorial and offensive in the highest degree. These taxes reach vexatiously every citizen in his business, in his household, in the affairs of every-day life, until they have become almost unendurable. There is no longer an excuse, in my opinion, for their continuance.

The objection to direct taxes is equally strong to internal taxes; and either or both are justified only by stern necessity. They are irritating and dangerous, and internal revenue taxes entail upon us the keeping up, as at present, somewhere near five thousand officers engaged in their collection, distributed in every county of every state, tainting, as we know, the source of all power in this republic, the elections of the people. Who favors direct tax? No one; and if the internal taxes were not so imposed by law, is there a man who would risk his his political future by asking that the system should be put into operation? I sincerely believe that there is not a man.

I did hope, when this Congress assembled, that before the adjournment of this session a very large reduction of internal taxation would have resulted from our labors. The

Committee on Ways and Means seemed to favor a reduction of $70,000,000, but that fiat of a Republican congressional caucus overruled that good intention. Thus the majority of the representatives in this House of one political party, and of a party representing a doubtful majority of the people even at the time of its election, regulates the current of remedial legislation, and in this instance on a subject which should be non-partisan. Thus the opportunity of relieving our tax-annoyed and tax-burdened constituents may be lost.

The reduction as now recommended by the Committee on Ways and Means reaches in great part those most able to pay, leaving the great body of consumers without relief. How long the latter will permit this state of things to continue will probably be determined at our next congressional elections. With the repeal of internal or excise taxes will come a resort exclusively to duties on imports as the main supply of our resources, and I maintain that if our expenditures be kept within just and reasonable bounds we can from this source derive adequate revenue for the administration of the government in all its constitutional and legitimate functions.

The estimates for the fiscal year ending June 30, 1883, of the amount to be raised from duties on imports is $217,000,000, and from all other sources, leaving out internal taxes, $30,000,000; so that the total abolition of excise taxes would still leave to the government in the neighborhood of $250,000,000.

It must be recollected, however, that while our current annual payment of interest on the public debt has been reduced to $61,000,000 (which will continue to decrease), yet there will be a greater increase in liabilities on account of pensions. Taking the years ending June 30, 1877 and 1878 as a criterion, this amount of receipts would still, with prudence and frugality, leave a sufficient revenue.

In my opinion, $75,000,000 of payment on account of current pensions and arrears is as much each year as can be safely made with due protection against frauds. Until the arrears are all paid, we might be required to continue the tax on whiskey, say at fifty cents per gallon, or we could encroach upon and reduce our now excessive unemployed balance in the Treasury. Admitting there might be a moderate deficiency, we have—to meet such deficiency—now in the Treasury $136,000,000 above and beyond every claim on the government dollar for dollar. It is thus made plain that with economical expenditures and reduced appropriations for the year we are fully provided for.

As I have already said, a heavy reduction or the abolition of internal taxes would compel immediate revision of our tariff laws. How that can be done with most expedition is the question which most directly concerns us.

In my judgment this question of free trade will not arise practically in this country during our lives, if ever, so long as we continue to raise revenue by duties on imports, and therefore the discussion of that principle is an absolute waste of time. After our public debt is paid in full, our expenditures can hardly be much below $200,000,000, and if this be levied in a business-like and intelligent manner it will afford adequate protection to every industrial interest in the United States. The assertion that Congress permits the levying of duties in favor of protection "for the sake of protection" is equally uncalled for and unnecessary. Both are alike delusory and not involved in any practical administrative policy. If brought to the test I believe neither would stand for a day. Protection for the sake of protection is prohibition pure and simple of importation; there will be no duties collected, and consequently no revenue, leaving the necessary expenses of the government to be collected by direct taxes—for internal taxes would interfere with the protective principle, and when the people are generally asked to bear the burden of heavy taxation to sustain class legislation and the interests of a portion of our people at the expense of the great bulk of our population there would be an emphatic and conclusive negative. So, too, with free trade, there is hardly a man in public life who advocates it pure and simple. Nobody wants direct taxation, although it would bring taxation so near and so constantly before the people that Congress would hesitate long before it voted the sums of money it now does, if not for improper, at least for questionable purposes. The platform of 1880, at Cincinnati, declared "for revenue only."

These utterances of the Democratic party, assembled from all parts of the United States in national convention, teach their own lesson to the present generation and need no commentary at my hands. It will not do for any public man to narrow his mind on such a momentous question as that which affects not only the integrity of the government, but frightens or darkens the home of every citizen just as we shall legislate. Speculative philosophers have contrived the most fascinating forms of government, but wherever they have been subjected to the touch-stone of practical operation they have gone most shamefully to pieces. It will not do for men to say, I have laid down this theoretical landmark and you must not go beyond it.

> "There's a divinity that shapes our ends,
> Rough-hew them how we will."

If Canute had not moved his chair upon the sea-shore the incoming tide would have overwhelmed him and his weak advisers under the mighty waves of the sea.

We are no longer a few scattered, isolated colonies of three millions of people, hugging the coast from Massachusetts to Georgia. In 1880 we were a united nation of fifty millions of inhabitants, with industries of greatest diversity, and grown to such size and power as to contest the markets of the world, and with a military prestige that has surprised and kept in awe the most warlike nations.

In the year 1903, we are told that, according to the ordinary rate of increase, we shall have one hundred millions of people. Is there any human mind that can foresee all the possibilities of a free republic of such vast proportions, leading the coming century in wise legislation? Is there one so foolhardy who will stand up and say he knows all about it, and that the wondrous ways of God shall bend to his peremptory dictation? If there be, he can vote against this bill.

EDMUND RANDOLPH

IN DEFENSE OF THE UNION

[Edmund Randolph was born in Virginia in 1753. He became a lawyer after serving on Washington's staff in the Revolution. As attorney-general and, later, governor of his native state, delegate to the Continental Congress, and member of the convention which framed the Constitution of the United States, he established a solid reputation. Although he refused to sign the national Constitution in the Philadelphia convention of 1787, he urged its ratification before the Virginia convention which had assembled to debate it. When Washington became President he made Randolph his attorney-general. Randolph later succeeded Thomas Jefferson in the office of secretary of state. He had to retire from the Cabinet because of the discovery of a document written by Fauchet, French minister to the United States, which showed on its face that Randolph "had held conversations with the French minister which no American secretary of state ought to have held with any representative of a foreign government." It was even asserted that Randolph "suggested corrupt practices." He resigned and published a "vindication." His death occurred in 1813. The following eloquent speech on the glories of the Union, and its defense, was delivered at the New York Convention, June 5, 1788.]

MR. CHAIRMAN: I am a child of the Revolution. My country, very early indeed, took me under her protection at a time when I most wanted it; and by a succession of favors and honors prevented even my most ardent wishes. I feel the highest gratitude and attachment to my country; her felicity is the most fervent prayer of my heart. Conscious of having exerted my faculties to the utmost in her behalf, if I have not succeeded in securing the esteem of my countrymen, I shall reap abundant consolation from the rectitude of my intentions; honors, when compared to the satisfaction accruing from a conscious independence and rectitude of conduct, are no equivalent. The unwearied study of my life shall be to promote her happiness. As a citizen, ambition and popularity are no objects with me. I expect, in the course of a year, to retire to that private station which I most sincerely and cordially prefer to all others. The security of public justice, sir, is what I most fervently wish—as I consider that object to be the primary step to the attainment of public happiness. I can declare to the whole world, that in the part I take in this very important question I am actuated by a regard for what I conceive to be our true interest. I can also, with equal sincerity, declare that I would join heart and hand in rejecting this system, did I conceive it would promote our happiness; but having a strong conviction on my mind, at this time, that, by a disunion, we shall throw away all those blessings we have so earnestly fought for, and that a rejection of the Constitution will operate disunion—pardon me if I discharge the obligation I owe to my country by voting for its adoption. We are told that the report of dangers is false. The cry of peace, sir, is false; say peace, when there is peace; it is but a sudden calm. The tempest growls over you—look around—wheresoever you look, you see danger. When there are so many witnesses, in many parts of America, that justice is suffocated, shall peace and happiness still be said to reign? Candor, sir, requires an undisguised representation of our situation. Candor, sir, demands a faithful exposition of facts. Many citizens have found justice strangled and trampled under foot, through the course of jurisprudence in this country. Are those who have debts due them satisfied with your government? Are not creditors wearied with the tedious procrastination of your legal process—a process obscured by legislative mist? Cast your eyes to your sea-ports, see how commerce languishes; this country, so blessed by nature with every advantage that can render commerce profitable, through defective legislation, is deprived of all the benefits and emoluments she might otherwise reap from it. We hear many complaints on the subject of located lands—a variety of competitors claiming the same lands under legislative acts—public faith prostrated, and private confidence destroyed. I ask you if your laws are reverenced? In every well regulated community, the laws command respect. Are yours entitled to reverence?

We not only see violations of the Constitution, but of national principles in repeated instances. How is the fact? The history of the violations of the Constitution extends from the year 1776 to this present time—violations made by formal acts of the legislature; everything has been drawn within the legislative vortex. There is one example of this violation in Virginia, of a most striking and shocking nature; an example so horrid, that if I conceived my country would passively permit a repetition of it, dear as it is to me, I would seek means of expatriating myself from it. A man who was then a citizen, was deprived of his life, thus: from a mere reliance on general reports, a gentleman in the house of delegates informed the House that a certain man (Josiah Phillips) had committed several crimes, and was running at large, perpetrating other crimes; he, therefore, moved for leave to attaint him. He obtained that leave instantly. No sooner did he obtain it than he drew from his pocket a bill already written for that effect; it was read three times in one day, and carried to the Senate. I will not say that it passed the same day through the Senate, but he was attainted very speedily and precipitately, without any proof better than vague reports! Without being confronted with his accusers and witnesses; without the privilege of calling for evidence in his behalf, he was sentenced to death, and was afterwards actually executed. Was this arbitrary deprivation of life, the dearest gift of God to man, consistent with the genius of a republican government? Is this compatible with the spirit of freedom? This, sir, has made the deepest impression on my heart, and I cannot contemplate it without horror.

There are still a multiplicity of complaints of the debility of the laws. Justice, in many instances, is so unattainable, that commerce may, in fact, be said to be stopped entirely. There is no peace, sir, in this land; can peace exist with injustice, licentiousness, insecurity, and oppression? These considerations, independent of many others which I have not yet enumerated, would be a sufficient reason for the adoption of this Constitution, because it secures the liberty of the citizen, his person and property, and will invigorate and restore commerce and industry.

An additional reason to induce us to adopt it is that excessive licentiousness, which has resulted from the relaxation of our laws, and which will be checked by this government. Let us judge from the fate of more ancient nations. Licentiousness has produced tyranny among many of them. It has contributed as much (if not more) as any other cause whatsoever to the loss of their liberties. I have respect for the integrity of our legislators; I believe them to be virtuous; but as long as the defects of the Constitution exist, so long will laws be imperfect. The honorable gentleman went on further, and said that the accession of eight states is not a reason for our adoption. Many other things have been alleged out of order; instead of discussing the system regularly a variety of points are promiscuously debated, in order to make temporary impressions on the members. Sir, were I convinced of the validity of their arguments I would join them heart and hand. Were I convinced that the accession of eight states did not render our accession also necessary to preserve the Union, I would not accede to it till it should be previously amended; but, sir, I am convinced that the Union will be lost by our rejection. Massachusetts has adopted it; she has recommended subsequent amendments; her influence must be very considerable to obtain them: I trust my countrymen have sufficient wisdom and virtue to entitle them to equal respect.

Is it urged, that being wiser, we ought to prescribe amendments to the other states? I have considered this subject deliberately; wearied myself in endeavoring to find a possibility of preserving the Union without our unconditional ratification; but, sir, in vain; I find no other means; I ask myself a variety of questions applicable to the adopting states, and I conclude, will they repent of what they have done? Will they acknowledge themselves in an error? Or will they recede to gratify Virginia? My prediction is that they will not. Shall we stand by ourselves and be severed from the Union if amendments cannot be had? I have every reason for determining within myself that our rejection must dissolve the Union, and that that dissolution will destroy our political happiness. The honorable gentleman was pleased to draw out several other arguments, out of order: that this government would destroy the state governments, the trial by jury, etc., etc., and concluded by an illustration of his opinion by a reference to the confederacy of the Swiss. Let us argue with unprejudiced minds. He says that the trial by jury is gone; is this so? Although I have declared my determination to give my vote for it, yet I shall freely censure those parts which appear to me reprehensible. The trial by jury, in criminal cases, is secured; in civil cases it is not so expressly secured as I could wish it; but it does not follow that Congress has the power of taking away this privilege, which is secured by the constitution of each state, and not given away by this Constitution. I have no fear on this subject; Congress must regulate it so as to suit every state. I will risk my property on the certainty that they will institute the trial by jury in such manner as shall accommodate the conveniences of the inhabitants in every state; the difficulty of ascertaining this accommodation was the principal cause of its not being provided for. It will be the interest of the individuals composing Congress to put it on this convenient footing. Shall we not choose men respectable for their good qualities? Or can we suppose that men tainted with the worst vices will get into Congress? I beg leave to differ from the honorable gentleman in another point. He dreads that great inconveniences will ensue from the federal court; that our citizens will be harassed by being carried thither. I cannot think that this power of the federal judiciary will necessarily be abused. The inconvenience here suggested being of a general nature, affecting most of the states, will, by general consent of the states, be removed; and, I trust, such regulations shall be made in this case as will accommodate the people in every state. The honorable gentleman instanced the Swiss cantons as an example, to show us the possibility, if not expediency, of being in amicable alliance with the other states, without adopting this system. Sir, references to history will be fatal in political reasoning unless well guarded. Our mental ability is often so contracted, and powers of investigation so limited, that sometimes we adduce as an example in our favor what in fact militates against us. Examine the situation of that country comparatively to us. Its extent and situation are totally different from ours; it is surrounded by powerful, ambitious, and reciprocally jealous nations; its territory small, and the soil not very fertile. The peculiarity, sir, of their situation, has kept these cantons together, and not that system of alliance to which the gentleman seems to attribute the durability and felicity of their connection.

Mr. Chairman, I am sorry to be obliged to detain the House, but the relation of a variety of matters renders it now unavoidable. I informed the House yesterday, before rising, that I intended to show the necessity of having a national government, in preference to the confederation; also, to show the necessity of conceding the power of taxation, and of distinguishing between its objects; and I am the more happy, that I possess materials of information for that purpose. My intention then is, to satisfy the gentlemen of this committee that a national government is absolutely indispensable, and that a confederacy is not eligible, in our present situation. The introductory step to this will be, to endeavor to convince the House of the necessity of the Union, and that the present confederation is actually inadequate and unamendable. The extent of the country is objected to, by the gentleman over the way, as an insurmountable obstacle to the establishing a national government in the United States. It is a very strange and inconsistent doctrine, to admit the necessity of the Union, and yet urge this last objection, which I think goes radically to the existence of the Union itself. If the extent of the country be a conclusive argument against a national government, it is equally so against an union with the other states. Instead of entering largely into a discussion of the nature and effect of the different kinds of government, or into an inquiry into the particular extent of country, that may suit the genius of this or that government, I ask this question—is this government necessary for the safety of Virginia? Is the Union indispensable for our happiness? I confess it is imprudent for any nation to form alliance with another whose situation and construction of government are dissimilar with its own. It is impolitic and improper for men of opulence to join their interest with men of indigence and chance. But we are now inquiring, particularly, whether Virginia, as contradistinguished from the other states, can exist without the Union—

a hard question, perhaps, after what has been said. I will venture, however, to say she cannot. I shall not rest contented with asserting; I shall endeavor to prove. Look at the most powerful nations on earth. England and France have had recourse to this expedient. Those countries found it necessary to unite with their immediate neighbors, and this union has prevented the most lamentable mischiefs. What divine preëminence is Virginia possessed of, above other States? Can Virginia send her navy and thunder, to bid defiance to foreign nations? And can she exist without an union with her neighbors, when the most potent nations have found such an union necessary, not only to their political felicity, but their national existence? Let us examine her ability. Although it be impossible to determine with accuracy what degree of internal strength a nation ought to possess to enable it to stand by itself; yet there are certain sure facts and circumstances which demonstrate that a particular nation cannot stand singly. I have spoken with freedom, and, I trust, I have done it with decency; but I must also speak with truth. If Virginia can exist without the Union she must derive that ability from one or other of these sources, viz.: from her natural situation, or because she has no reason to fear from other nations. What is her situation? She is not inaccessible. She is not a petty republic, like that of St. Marino, surrounded with rocks and mountains, with a soil not very fertile, nor worthy the envy of surrounding nations. Were this, sir, her situation, she might, like that petty state, subsist, separated from all the world. On the contrary, she is very accessible: the large, capacious bay of Chesapeake, which is but too excellently adapted for the admission of enemies, renders her very vulnerable. I am informed, and I believe rightly, because I derive my information from those whose knowledge is most respectable, that Virginia is in a very unhappy position with respect to the access of foes by sea, though happily situated for commerce. This being her situation by sea, let us look at land. She has frontiers adjoining the states of Pennsylvania, Maryland, and North Carolina. Two of those states have declared themselves members of the Union. Will she be inaccessible to the inhabitants of those states? Cast your eyes to the western country, that is inhabited by cruel savages, your natural enemies. Besides their natural propensity to barbarity, they may be excited by the gold of foreign enemies to commit the most horrid ravages on your people. Our great, increasing population is one remedy to this evil; but, being scattered thinly over so extensive a country, how difficult it is to collect their strength, or defend the country! This is one point of weakness. I wish, for the honor of my countrymen, that it was the only one. There is another circumstance which renders us more vulnerable. Are we not weakened by the population of those whom we hold in slavery? The day may come when they may make an impression upon us. Gentlemen who have been long accustomed to the contemplation of the subject think there is a cause of alarm in this case. The number of those people, compared to that of the whites, is in an immense proportion: their number amounts to two hundred and thirty-six thousand, that of the whites only to three hundred and fifty-two thousand. Will the American spirit, so much spoken of, repel an invading enemy, or enable you to obtain an advantageous peace? Manufactures and military stores may afford relief to a country exposed: have we these at present? Attempts have been made to have these here. If we shall be separated from the Union, shall our chance of having these be greater? Or, will not the want of these be more deplorable? We shall be told of the exertions of Virginia, under the confederation—her achievements, when she had no commerce. These, sir, were necessary for her immediate safety; nor would these have availed without the aid of the other states. Those states, then our friends, brothers, and supporters, will, if disunited from us, be our bitterest enemies. Contemplate our situation deliberately, and consult history: it will inform you, that people in our circumstances have ever been attacked, and successfully; open any page, and you will there find our danger truly depicted. If such a people had anything, was it not taken? The fate which will befall us, I fear, sir, will be, that we shall be made a partition of. How will these, our troubles, be removed? Can we have any dependence on commerce? Can we make any computation on this subject? Where will our flag appear? So high is the spirit of commercial nations that they will spend five times the value of the object to exclude their rivals from a participation in commercial profits; they seldom regard any expenses. If we should be divided from the rest of the states, upon what footing would our navigation in the Mississippi be? What would be the probable conduct of France and Spain? Every gentleman may imagine, in his own mind, the natural consequences. To these considerations I might add many others of a similar nature. Were I to say that the boundary between us and North Carolina is not yet settled, I should be told that Virginia and that state go together. But what, sir, will be the consequence of the dispute that may arise between us and Maryland on the subject of Potomac River? It is thought Virginia has a right to an equal navigation with them in that river. If ever it should be decided on grounds of prior right, their charter will inevitably determine it in their favor. The country called the Northern Neck will probably be severed from Virginia. There is not a doubt but the inhabitants of that part will annex themselves to Maryland, if Virginia refuse to accede to the Union. The recent example of those regulations lately made respecting that territory will illustrate that probability. Virginia will also be in danger of a conflict with Pennsylvania on the subject of boundaries. I know that some gentlemen are thoroughly persuaded that we have a right to those disputed boundaries; if we have such a right, I know not where it is to be found.

Are we not borderers on states that will be separated from us? Call to mind the history of every part of the world, where nations have bordered on one another, and consider the consequences of our separation from the Union. Peruse those histories, and you find such countries to have ever been almost a perpetual scene of bloodshed and slaughter. The inhabitants of one escaping from punishment into the other, protection given them, consequent pursuit, robbery, cruelty, and murder. A numerous standing army, that dangerous expedient, would be necessary, but not sufficient for the defense of such borders. Every gentleman will amplify the scene in his own mind. If you wish to know the extent of such a scene, look at the history of England and Scotland before the union; you will see their borders continually committing depredations and cruelties of the most calamitous and deplorable nature on one another.

I beg leave to remind you of the strength of Massachusetts and other states to the north, and what would their conduct be to us if disunited from them! In case of a conflict between us and Maryland or Pennsylvania, they would be aided by the whole strength of the more northern states; in short, by that of all the adopting states. For these reasons I conceive that if Virginia supposes she has no cause of apprehension, she will find herself in a fatal error. Suppose the American spirit in the fullest vigor in Virginia; what military preparations and exertions is she capable of making? The other states have upwards of three hundred and thirty thousand men capable of bearing arms; this will be a good army, or they can very easily raise a good army out of so great a number. Our militia amounts to fifty thousand; even stretching it to the improbable amount (urged by some) of sixty thousand; in case of an attack, what defense can we make? Who are militia? Can we depend solely upon these? I will pay the last tribute of gratitude to the militia of my country; they performed some of the most gallant feats during the last war, and acted as nobly as men inured to other avocations could be expected to do; but, sir, it is dangerous to look to them as our sole protectors. Did ever militia defend a country? Those of Pennsylvania were said to differ very little from regulars, yet these, sir, were insufficient for the defense of that state. The militia of our country will be wanted for agriculture; on this noblest of arts depends the virtue and the very existence of a country; if it be neglected, everything else must be in a state of ruin and decay. It must be neglected if those hands which ought to attend to it are occasionally called forth on military expeditions. Some, also, will be necessary for manufactures, and those mechanic arts which are necessary for the aid of the farmer and planter. If we had men sufficient in number to defend ourselves, it could not avail without other requisites. We must have a navy, to be supported in time of peace as well as war, to guard our coasts and defend us against invasions. The impossibility of building and equipping a fleet, in a short time, constitutes the necessity of having a certain number of ships of war always ready in time of peace. The maintaining a navy will require money; and where, sir, can we get money for this and other purposes? How shall we raise it? Review the enormity of the debts due by this country; the amount of debt we owe to the continent for bills of credit, rating at forty for one, will amount to between six and seven hundred thousand pounds. There is also due the continent the balance of requisitions due by us, and, in addition to this proportion of the old continental debt, there are the foreign, domestic, state, military, and loan-office debts, to which, when you add the British debt, where is the possibility of finding money to raise an army or navy? Review, then, your real ability. Shall we recur to loans? Nothing can be more impolitic; they impoverish a nation; we, sir, have nothing to repay them; nor, sir, can we procure them. Our numbers are daily increasing by emigration; but this, sir, will not relieve us when our credit is gone, and it is impossible to borrow money. If the imposts and duties in Virginia, even on the present footing, be very unproductive and not equal to our necessities, what would they be if we were separated from the Union? From the first of September to the first of June, the amount put into the treasury is only fifty-nine thousand pounds, or a little more. But, sir, if smuggling be introduced in consequence of high duties, or otherwise, and the Potomac should be lost, what hope is there of getting money from these?

Shall we be asked if the impost would be bettered by the union? I answer that it will, sir. Credit being restored and confidence diffused in the country, merchants and men of wealth will be induced to come among us; emigration will increase and commerce will flourish; the impost will therefore be more sure and productive. Under these circumstances can you find men to defend you? If not men, where can you have a navy? It is an old observation that he who commands at sea will command the land; and it is justified by modern experience in war. The sea can only be commanded by commercial nations. The United States have every means, by nature, to enable them to distribute supplies mutually among one another, to supply other nations with many articles, and to carry for other nations. Our commerce would not be kindly received by foreigners, if transacted solely by ourselves, as it is the spirit of commercial nations to engross, as much as possible, the carrying trade; this makes it necessary to defend our commerce; but how shall we encompass this end? England has arisen to the greatest height, in modern times, by her navigation act and other excellent regulations. The same means would produce the same effects. We have inland navigation. Our last exports did not exceed one million of pounds. Our export trade is entirely in the hands of foreigners. We have no manufactures; depend for supplies on other nations, and so far are we from having any carrying trade that, as I have already said, our exports are in the hands of foreigners. Besides the profit that might be made by our natural materials, much greater gains would accrue from their being first wrought before they were exported. England has reaped immense profits by this; nay, even by purchasing and working up those materials which her country did not afford; her success in commerce is generally ascribed to her navigation act. Virginia would not, encumbered as she is, agree to have such an act. Thus, for the want of a navy, are we deprived of the multifarious advantages of our natural situation; nor is it possible that if the Union is dissolved we ever should have a navy sufficient either for our defense or the extension of our trade. I beg gentlemen to consider these two things—our inability to raise and man a navy, and the dreadful consequences of the dissolution of the Union.

I will close this catalogue of the evils of the dissolution of the Union, by recalling to your mind what passed in the year 1781. Such was the situation of our affairs then, that the powers of a dictator were given to the commander-in-chief to save us from destruction. This shows the situation of the country to have been such as made it ready to embrace an actual dictator. At some future period, will not our distresses impel us to do what the Dutch have done—throw all power into the hands of a stadtholder? How infinitely more wise and eligible than this desperate alternative is a union with our American brethren! I feel myself so abhorrent to anything that will dissolve our Union, that I cannot prevail with myself to assent to it directly or indirectly. If the Union is to be dissolved, what step is to be taken? Shall we form a partial confederacy; or is it expected that we shall successfully apply to foreign alliance for military aid? This last measure, sir, has ruined almost every nation that has used it; so dreadful an example ought to be most cautiously avoided; for seldom has a nation recurred to the expedient of foreign succor without being ultimately crushed by that succor. We may lose our liberty and independence by this injudicious scheme of policy. Admitting it to be a scheme replete with safety, what nation shall we solicit? France? She will disdain a connection with a people in our predicament. I would trust everything to the magnanimity of that nation, but she would despise a people who had, like us, so imprudently separated from their brethren; and, sir, were she to accede to our proposal, with what facility could she become mistress of our country. To what nation, then, shall we apply? to Great Britain? Nobody has as yet trusted that idea. An application to any other must be either fruitless or dangerous; to those who advocate local confederacies, and at the same time preach up for republican liberty, I answer that their conduct is inconsistent; the defense of such partial confederacies will require such a degree of force and expense as will destroy every feature of republicanism. Give me leave to say that I see naught but destruction in a local confederacy. With what state can we confederate but North Carolina—North Carolina, situated worse than ourselves? Consult your own reason; I beseech gentlemen most seriously to reflect on the consequences of such a confederacy; I beseech them to consider, whether Virginia and North Carolina, both oppressed with debts and slaves, can defend themselves externally, or make their people happy internally. North Carolina having no strength but militia, and Virginia in the same situation, will make, I fear, but a despicable figure in history. Thus, sir, I hope that I have satisfied you that we are unsafe without a union, and that in union alone safety consists.

I come now, sir, to the great inquiry, whether the confederation be such a government as we ought to continue under; whether it be such a government as can secure the felicity of any free people. Did I believe the confederation was a good thread, which might be broken without destroying its utility entirely, I might be induced to concur in putting it together; but I am so thoroughly convinced of its incapacity to be mended or spliced, that I would sooner recur to any other expedient.

When I spoke last I endeavored to express my sentiments concerning that system, and to apologize (if an apology was necessary) for the conduct of its framers—that it was hastily devised, to enable us to repel a powerful enemy—that the subject was novel, and that its inefficacy was not discovered, till requisitions came to be made by Congress. In the then situation of America, a speedy remedy was necessary to ward off the danger, and this sufficiently answered that purpose; but so universally is its imbecility now known, that it is almost useless for me to exhibit it at this time. Has not Virginia, as well as every other state, acknowledged its debility, by sending delegates to the general convention? The confederation is, of all things, the most unsafe, not only to trust to, in its present form, but even to amend. The object of a federal government is to remedy and strengthen the weakness of its individual branches, whether that weakness arises from situation or any other external cause. With respect to the first, is it not a miracle that the confederation carried us through the last war? It was our unanimity, sir, that carried us through it. That system was not ultimately concluded till the year 1781—although the greatest exertions were made before that time. Then came requisitions of men and money; its defects then were immediately discovered; the quotas of men were readily sent: not so those of money. One state feigned inability, another would not comply till the rest did, and various excuses were offered; so that no money was sent into the treasury—not a requisition was fully complied with. Loans were the next measure fallen upon: upwards of eighty millions of dollars were wanting, besides the emissions of dollars, forty for one. These things show the impossibility of relying on requisitions. [Here Mr. Randolph enumerated the different delinquencies of different states, and the consequent distresses of Congress.] If the

American spirit is to be depended upon, I call him to awake, to see how his Americans have been disgraced; but I have no hopes that things will be better hereafter. I fully expect things will be as they have been, and that the same derangements will produce similar miscarriages. Will the American spirit produce money or credit, unless we alter our system? Are we not in a contemptible situation—are we not the jest of other nations?

But it is insinuated by the honorable gentleman that we want to be a grand, splendid, and magnificent people. We wish not to become so. The magnificence of a royal court is not our object. We want government, sir—a government that will have stability, and give us security; for our present government is destitute of the one and incapable of producing the other. It cannot, perhaps, with propriety, be denominated a government—being void of that energy requisite to enforce its sanctions. I wish my country not to be contemptible in the eyes of foreign nations. A well regulated community is always respected. Without adequate powers, vested in Congress, America cannot be respectable in the eyes of other nations. Congress, sir, ought to be fully vested with power to support the Union, protect the interests of the United States, maintain their commerce, and defend them from external invasions and insults, and internal insurrections; to maintain justice and promote harmony and public tranquillity among the states. A government not vested with these powers, will ever be found unable to make us happy or respectable; how far the confederation is different from such a government is known to all America. Instead of being able to cherish and protect the states, it has been unable to defend itself against the encroachments made upon it by the states; every one of them has conspired against it—Virginia as much as any. This fact could be proved by reference to actual history. I might quote the observations of an able modern author (not because he is decorated with the name of author, but because his sentiments are drawn from human nature) to prove the dangerous impolicy of withholding necessary powers from Congress; but I shall at this time fatigue the House as little as possible. What are the powers of Congress? They have full authority to recommend what they please. This recommendatory power reduces them to the condition of poor supplicants. Consider the dignified language of the members of the American Congress—May it please your high mightinesses, of Virginia, to pay your just, proportionate quota of our national debt; we humbly supplicate that it may please you to comply with your federal duties! We implore, we beg your obedience! Is not this, sir, a fair representation of the powers of Congress? Their operations are of no validity, when counteracted by the states. Their authority to recommend is a mere mockery of government.

But the amendability of the confederation seems to have great weight on the minds of some gentlemen. To what point will the amendments go? What part makes the most important figure? What part deserves to be retained? In it, one body has the legislative, executive, and judicial powers; but the want of efficient powers has prevented the dangers naturally consequent on the union of these. Is this union consistent with an augmentation of their power? Will you, then, amend it by taking away one of these three powers? Suppose, for instance, you only vested it with the legislative and executive powers, without any control on the judiciary, what must be the result? Are we not taught by reason, experience, and governmental history that tyranny is the natural and certain consequence of uniting these two powers, or the legislative and judicial powers, exclusively, in the same body? If any one denies it, I shall pass by him, as an infidel not to be reclaimed. Wherever any two of these three powers are vested in one single body, they must, at one time or other, terminate in the destruction of liberty. In the most important cases, the assent of nine states is necessary to pass a law: this is too great a restriction, and whatever good consequences it may in some cases produce, yet it will prevent energy in many other cases; it will prevent energy, which is most necessary on some emergencies, even in cases wherein the existence of the community depends on vigor and expedition. It is incompatible with that secrecy which is the life of execution and dispatch. Did ever thirty or forty men retain a secret? Without secrecy no government can carry on its operations, on great occasions; this is what gives that superiority in action to the government of one. If anything were wanting to complete this farce, it would be that a resolution of the assembly of Virginia and the other legislatures should be necessary to confirm and render of any validity the congressional acts; this would openly discover the debility of the general government to all the world. But, in fact, its imbecility is now nearly the same as if such acts were formally requisite. An act of the assembly of Virginia, controverting a resolution of Congress, would certainly prevail. I therefore conclude that the confederation is too defective to deserve correction. Let us take farewell of it, with reverential respect, as an old benefactor. It is gone, whether this House says so or not. It is gone, sir, by its own weakness.

I am afraid I have tired the patience of this House; but I trust you will pardon me, as I was urged by the importunity of the gentleman, in calling for the reasons for laying the groundwork of this plan. It is objected by the honorable gentleman over the way (Mr. George Mason) that a republican government is impracticable in an extensive territory, and the extent of the United States is urged as a reason for the rejection of this Constitution. Let us consider the definition of a republican government, as laid down by a man who is highly esteemed. Montesquieu, so celebrated among politicians, says that "a republican government is that in which the body, or only part of the people, is possessed of the supreme power; a monarchical, that in which a single person governs by fixed and established laws; a despotic government, that in which a single person, without law and without rule, directs everything by his own will and caprice." This author has not distinguished a republican government from a monarchy by the extent of its boundaries, but by the nature of its principles. He in another place contradistinguishes it as a government of laws, in opposition to others, which he denominates a government of men. The empire, or government of laws, according to that phrase, is that in which the laws are made with the free will of the people; hence, then, if laws be made by the assent of the people the government may be deemed free. When laws are made with integrity, and executed with wisdom, the question is, whether a great extent of country will tend to abridge the liberty of the people. If defensive force be necessary, in proportion to the extent of country, I conceive that in a judiciously constructed government, be the country ever so extensive, its inhabitants will be proportionably numerous and able to defend it. Extent of country, in my conception, ought to be no bar to the adoption of a good government. No extent on earth seems to me too great, provided the laws be wisely made and executed. The principles of representation and responsibility may pervade a large as well as a small territory; and tyranny is as easily introduced into a small as into a large district. If it be answered that some of the most illustrious and distinguished authors are of a contrary opinion, I reply that authority has no weight with me till I am convinced—that not the dignity of names, but the force of reasoning, gains my assent.

I intended to have shown the nature of the powers which ought to have been given to the general government, and the reason of investing it with the power of taxation; but this would require more time than my strength or the patience of the committee would now admit of. I shall conclude with a few observations, which come from my heart. I have labored for the continuance of the Union—the rock of our salvation. I believe that, as sure as there is a God in heaven, our safety, our political happiness and existence, depend on the union of the states; and, that without this union, the people of this and the other states will undergo the unspeakable calamities which discord, faction, turbulence, war, and bloodshed have produced in other countries. The American spirit ought to be mixed with American pride—pride to see the Union magnificently triumph. Let that glorious pride, which once defied the British thunder, reanimate you again. Let it not be recorded of Americans that, after having performed the most gallant exploits, after having overcome the most astonishing difficulties, and after having gained the admiration of the world by their incomparable valor and policy, they lost their acquired reputation, their national consequence and happiness by their own indiscretion. Let no future historian inform posterity that they wanted wisdom and virtue to concur in any regular, efficient government. Should any writer, doomed to so disagreeable a task, feel the indignation of an honest historian, he would reprehend and recriminate our folly with equal severity and justice. Catch the present moment, seize it with avidity and eagerness, for it may be lost, never to be regained. If the Union be now lost I fear it will remain so forever. I believe gentlemen are sincere in their opposition, and actuated by pure motives; but when I maturely weigh the advantages of the Union, and dreadful consequences of its dissolution; when I see safety on my right and destruction on my left; when I behold respectability and happiness acquired by the one, but annihilated by the other, I cannot hesitate to decide in favor of the former. I hope my weakness, from speaking so long, will apologize for my leaving this subject in so mutilated a condition. If a further explanation be desired, I shall take the liberty to enter into it more fully another time.

JOHN RANDOLPH

ON THE TARIFF

[John Randolph of Roanoke was born in Virginia in 1773. He lost his father when he was three years old, and his education was conducted by his mother and a stepfather, Mr. Tucker. He was placed in the primary department of William and Mary's College; he entered Princeton College in 1787, but eventually removed to Columbia College in New York City. His ability manifested itself for the first time when he volunteered a reply to Patrick Henry at the Charlotte Court in March 1799. The effect of the speech was his election to the national House of Representatives. Taking his seat in December 1799, he soon assumed a leading part. He was appointed to conduct the trial of Justice Chase, and opened the case at the bar of the Senate in February 1805. From that year until the opening of the war with Great Britain, Randolph took a strong position in opposition to the war party who were trying to force a conflict with the English nation. Retiring from the national Congress in 1829, he was a member of the Virginia Constitutional Convention, and the next year was sent by President Jackson on a mission to Russia. Upon his return in 1831 his health gradually declined until his death, June 24, 1833. The ensuing speech was made in the House of Representatives, in 1824, when the tariff was a subject of high controversy.]

I AM, Mr. Speaker, practising no deception upon myself, much less upon the House, when I say that if I had consulted my own feelings and inclinations I should not have troubled the House, exhausted as it is and as I am, with any further remarks upon this subject. I come to the discharge of this task, not merely with reluctance, but with disgust—jaded, worn down, abraded I may say, as I am by long attendance upon this body, and continued stretch of the attention upon this subject. I come to it, however, at the suggestion, and in pursuance of the wishes of those whose wishes are to me, in all matters touching my public duty, paramount law; I speak with those reservations, of course, which every moral agent must be supposed to make to himself.

It was not more to my surprise than to my disappointment that on my return to the House, after a necessary absence of a few days, on indispensable business, I found it engaged in discussing the general principle of the bill, when its details were under consideration. If I had expected such a turn in the debate, I would, at any private sacrifice, however great, have remained a spectator and auditor of that discussion. With the exception of the speech, already published, of my worthy colleague on my right [Mr. P. P. Barbour] I have been nearly deprived of the benefit of the discussion which has taken place. Many weeks had been occupied with this bill (I hope the House will pardon me for saying so) before I took the slightest part in the deliberations of the details; and I now sincerely regret that I had not firmness enough to adhere to the resolution which I had laid down to myself, in the early stage of the debate, not to take any part in the discussion of the details of the measure. But, as I trust, what I now have to say upon this subject, although more and better things have been said by others, may not be the same that they have said, or may not be said in the same manner—I here borrow the language of a man who has been heretofore conspicuous in the councils of the country; of one who was unrivaled for readiness and dexterity in debate; who was long without an equal on the floor of this body; who contributed as much to the revolution of 1801 as any man in this nation, and derived as little benefit from it—as, to use the words of that celebrated man, what I have to say is not that which has been said by others, and will not be said in their manner, the House will, I trust, have patience with me during the time that my strength will allow me to occupy their attention. And I beg them to understand that the notes which I hold in my hand are not the notes on which I mean to speak, but of what others have spoken, and from which I will make the smallest selection in my power.

Here permit me to say that I am obliged, and with great reluctance, to differ from my worthy colleague, who has taken so conspicuous a part in this debate, about one fact, which I will call to his recollection, for I am sure it was in his memory, though sleeping. He has undertaken to state the causes by which the difference in the relative condition of various parts of the Union has been produced; but my worthy colleague has omitted to state the *primum mobile* of the commerce and manufactures to which a portion of the country that I need not name owes its present prosperity and wealth. That *primum mobile* was Southern capital. I speak not now of transactions *quorum pars minima fui*, but of things which, nevertheless, I have a contemporaneous recollection. I say, without the fear of contradiction, then, that in consequence of the enormous depreciation of the evidences of the public debt of this country—the debt proper of the United States (to which must be added an item of not less than twenty millions of dollars for the state debts assumed by the United States), being bought up and almost engrossed by the people of what were then called the Northern states—a measure which nobody dreamt anything about, of which nobody had the slightest suspicion—I mean the assumption of the state debts by the Federal Government—these debts being bought up for a mere song, a capital of eighty millions of dollars, or, in other words, a credit to that amount, bearing an interest of six per cent. per annum (with the exception of nineteen millions, the interest of that debt which bore an interest of three per cent.)—a capital of eighty millions of dollars was poured in a single day into the coffers of the North; and to that cause we may mainly ascribe the difference so disastrous to the South, between that country and the other portion of this Union, to which I have alluded. When we, roused by the sufferings of our brethren of Boston, entered into the contest with the mother country, and when we came out of it—when this constitution was adopted, we were comparatively rich; they were positively poor. What is now our relative situation? They are flourishing and rich; we are tributary to them, not only through the medium of the public debt of which I may have spoken, but also through the medium of the pension list, nearly the whole amount of which is disbursed in the Eastern states—and to this creation of a day is to be ascribed the difference of our relative situation (I hope my worthy colleague will not consider anything that I say as conflicting with his general principles, to which I heartily subscribe). Yes, sir, and the price paid for the creation of all that portion of this capital, which consisted of the assumed debts of the states, was the immense boon of fixing the seat of government where it now is. And I advert to this bargain because I wish to show to every member of this House, and, if it were possible, to every individual of this nation, the most tremendous and calamitous results of political bargaining.

Sir, when are we to have enough of this tariff question? In 1816 it was supposed to be settled. Only three years thereafter, another proposition for increasing it was sent from this house to the Senate, baited with a tax of four cents per pound on brown sugar. It was fortunately rejected in that body. In what manner this bill is baited it does not become me to say; but I have too distinct a recollection of the vote in committee of the whole, on the duty upon molasses, and afterward of the vote in the House on the same question—of the votes of more than one of the states on that question—not to mark it well. I do not say that the change of the vote on that question was effected by any man's voting against his own motion; but I do not hesitate to say that it was effected by one man's electioneering against his own motion. I am very glad, Mr. Speaker, that old Massachusetts Bay and the province of Maine and Sagadahock, by whom we stood in the days of the Revolution, now stand by the South, and will not aid in fixing on us this system of taxation, compared with which the taxation of Mr. Grenville and Lord North was as nothing. I speak with knowledge of what I say, when I declare that this bill is an attempt to reduce the country south of Mason and Dixon's line, and east of the Alleghany Mountains, to a state of worse than colonial bondage, a state to which the domination of Great Britain was, in my judgment, far preferable; and I trust I shall always have the fearless integrity to utter any political sentiment which the head sanctions and the heart ratifies; for the British Parliament never would have dared to lay such duties on our imports, or their exports to us, either "at home" or here, as is now proposed to be laid upon the imports from abroad. At that time we had the command of the market of the vast dominions then subject, and we should have had those which have since been subjected to the British Empire; we enjoyed a free trade eminently superior to anything that we can enjoy if this bill shall go into operation. It is a sacrifice of the interests of a part of this nation to the ideal benefit of the rest. It marks us out as the victims of a worse than Egyptian bondage. It is a barter of so much of our rights, of so much of the fruits of our labor, for political power to be transferred to other hands. It ought to be met, and I trust it will be met, in the Southern country, as was the stamp act, and by all those measures, which I will not detain the House by recapitulating, which succeeded the stamp act, and produced the final breach with the mother country, which it took about ten years to bring about, as I trust, in my conscience, it will not take as long to bring about similar results from this measure, should it become a law.

All policy is very suspicious, says an eminent statesman, that sacrifices the interest of any part of a community to the ideal good of the whole; and those governments only are tolerable where, by the necessary construction of the political machine, the interests of all the parts are obliged to be protected by it. Here is a district of country extending from the Patapsco to the Gulf of Mexico, from the Alleghany to the Atlantic—a district which, taking in all that part of Maryland lying south of the Patapsco and east of Elk River, raises five-sixths of all the exports of this country that are of home growth. I have in my hand the official statements which prove it, but which I will not weary the House by reading—in all this country—yes, sir, and I bless God for it; for with all the fantastical and preposterous theories about the rights of man (the theories, not the rights themselves, I speak of), there is nothing but power that can restrain power. I bless God that, in this insulted, oppressed, and outraged region we are, as to our counsels in regard to this measure, but as one man; that there exists on the subject but one feeling and one interest. We are proscribed and put to the bar; and if we do not feel, and, feeling, do not act, we are bastards to those fathers who achieved the revolution: then shall we deserve to make our bricks without straw. There is no case on record in which a proposition like this, suddenly changing the whole frame of a country's polity, tearing asunder every ligature of the body politic, was ever carried by a lean majority of two or three votes, unless it be the usurpation of the septennial act, which passed the British Parliament by, I think, a majority of one vote, the same that laid the tax on cotton bagging. I do not stop here, sir, to argue about the constitutionality of this bill; I consider the Constitution a dead letter. I consider it to consist, at this time, of the power of the general government and the power of the states; that is the Constitution. You may entrench yourself in parchment to the teeth, says Lord Chatham, the sword will find its way to the vitals of the Constitution. I have no faith in parchment, sir; I have no faith in the "abracadabra" of the Constitution; I have faith in the power of that commonwealth of which I am an unworthy son; in the power of those Carolinas, and of that Georgia, in her ancient and utmost extent, to the Mississippi, which went with us through the valley of the shadow of death in the war of our independence. I have said that I shall not stop to discuss the constitutionality of this question, for that reason and for a better—that there never was a constitution under the sun in which, by an unwise exercise of the powers of the government, the people may not be driven to the extremity of resistance by force. "For it is not, perhaps, so much by the assumption of unlawful powers as by the unwise or unwarrantable use of those which are most legal, that governments oppose their true end and object; for there is such a thing as tyranny as well as usurpation." If, under a power to regulate trade, you prevent exportation; if with the most approved spring lancets, you draw the last drop of blood from our veins; if, *secundum artem*, you draw the last shilling from our pockets, what are the checks of the Constitution to us? A fig for the Constitution! When the scorpion's sting is probing us to the quick, shall we stop to chop logic? Shall we get some learned and cunning clerk to say whether the power to do this is to be found in the Constitution, and if he, from whatever motive, maintain the affirmative, shall we, like the animal whose fleece forms so material a portion of this bill, quietly lie down and be shorn?

Sir, events now passing elsewhere, which plant a thorn in my pillow and a dagger in my heart, admonish me of the difficulty of governing with sobriety any people who are over head and ears in debt. That state of things begets a temper which sets at naught everything like reason and common sense. This country is unquestionably laboring under great distress; but we cannot legislate it out of that distress. We may, by your legislation, reduce all the country south and east of Mason and Dixon's line, the whites as well as the blacks, to the condition of Helots; you can do no more. We have had placed before us in the course of this discussion foreign examples and authorities; and among other things, we have been told, as an argument in favor of this measure, of the prosperity of Great Britain. Have gentlemen taken into consideration the peculiar advantages of Great Britain? Have they taken into consideration, that not excepting Mexico and that fine country which lies between the Orinoco and Caribbean Sea, England is decidedly superior in point of physical advantages to every country under the sun? This is unquestionably true. I will enumerate some of those advantages. First, there is her climate. In England such is the temperature of the air that a man can there do more days' work in the year, and more hours' work in the day, than in any other climate in the world; of course I include Scotland and Ireland in this description. It is in such a climate only that the human animal can bear without extirpation the corrupted air, the noisome exhalations, the incessant labor of these accursed manufactories. Yes, sir, accursed; for I say it is an accursed thing, which I will neither taste nor touch nor handle. If we were to act here on the English system, we should have the yellow fever at Philadelphia and New York, not in August merely, but from June to January, and from January to June. The climate in this country alone, were there no other natural obstacle to it, says aloud, You shall not manufacture! Even our tobacco factories, admitted to be the most wholesome of any sort of factories, are known to be, where extensive, the very nidus (if I may use the expression) of yellow fever and other fevers of similar type. In another of the advantages of Great Britain, so important to her prosperity, we are almost on a par with her, if we know how properly to use it. *Fortunatos nimium sua si bona norint*—for, as regards defense, we are, to all intents and purposes, almost as much an island as England herself. But one of her insular advantages we can never acquire. Every part of that country is accessible from the sea. There, as you recede from the sea, you do not get farther from the sea. I know that a great deal will be said of our majestic rivers, about the father of floods and his tributary streams; but with the Ohio frozen up all the winter and dry all the summer, with a long, tortuous, difficult and dangerous navigation thence to the ocean, the gentlemen of the West may rest assured that they will never derive one particle of advantage from even a total prohibition of foreign manufactures. You may succeed in reducing us to your own level of misery; but if we were to agree to become your slaves, you never can derive one farthing of advantage from this bill. What parts of this country can derive any advantage from it? Those parts only where there is a water power in immediate contact with navigation, such as the vicinities of Boston, Providence, Baltimore, and Richmond. Petersburg is the last of these as you travel south. You take a bag of cotton up the river to Pittsburg or to Zanesville, to have it manufactured, and sent down to New Orleans for a market, and before your bag of cotton has got to the place of manufacture, the manufacturer of Providence has received his returns for the goods made from his bag of cotton purchased at the same time that you purchased yours. No, sir, gentlemen may as well insist that because the Chesapeake Bay—*mare nostrum*, our Mediterranean sea—gives us every advantage of navigation, we shall exclude from it everything but steamboats and those boats called *κατ' ἐξοχὴν*, per emphasin, par excellence, Kentucky boats—a sort of huge, square, clumsy wooden box. And why not insist upon it? Haven't you "the power to REGULATE COMMERCE"? Would not that too be a "REGULATION OF COMMERCE"? It would indeed, and a pretty regulation it is; and so is this bill. And, sir, I marvel that the representation from the great commercial state of New York should be in favor of this bill. If operative—and if inoperative, why talk of it?—if operative, it must, like the embargo of 1807–1809, transfer no small portion of the wealth of the London of America, as New York has been called, to Quebec and Montreal. She will receive the most of her imports from abroad, down the river. I do not know any bill that could be better calculated for Vermont than this bill; because, through Vermont, from Quebec, Montreal, and other positions on the St. Lawrence, we are, if it passes, unquestionably to receive our supplies of foreign goods. It will, no doubt, suit the Niagara frontier.

But, sir, I must not suffer myself to be led too far astray from the topic of the peculiar advantages of England as a manufacturing country. Her vast beds of coal are inexhaustible; there are daily discoveries of quantities of it, greater than ages past have yet consumed; to which beds of coal her manufacturing establishments have been transferred, as any man may see who will compare the present population of her towns with what it was formerly. It is to these beds of coal that Birmingham, Manchester, Wolverhampton, Sheffield, Leeds, and other manufacturing towns owe their growth. If you could destroy her coal in one day, you would cut at once the sinews of her power. Then, there are her metals, and particularly tin, of which she has the exclusive monopoly. Tin, I know, is to be found in Japan, and perhaps elsewhere, but in practise England has now the monopoly of that article. I might go further, and I might say that England possesses an advantage, *quoad hoc*, in her institutions; for there men are compelled to pay their debts. But here men are not only not compelled to pay their debts, but they are protected in the refusal to pay them, in the scandalous evasion of their legal obligations; and after being convicted of embezzling the public money, and the money of others of which they were appointed guardians and trustees, they have the impudence to obtrude their unblushing fronts into society, and elbow honest men out of their way. There, though all men are on a footing of equality on the highway, and in the courts of law, at well and at market, yet the castes in Hindustan are not more distinctly separated, one from the other, than the different classes of society are in England. It is true that it is practicable for a wealthy merchant or a manufacturer, or his descendants, after having, through two or three generations, washed out what is considered the stain of their original occupation, to emerge by slow degrees into the higher ranks of society; but this rarely happens. Can you find men of vast fortune, in this country, content to move in the lower circles—content as the ox under the daily drudgery of the yoke? It is true that in England some of these wealthy people take it into their heads to buy seats in Parliament. But when they get there, unless they possess great talents, they are mere nonentities; their existence is only to be found in the Red Book which contains a list of the members of Parliament. Now, sir, I wish to know if, in the Western country, where any man may get beastly drunk for three pence sterling—in England you cannot get a small wine-glass of spirits under twenty-five cents; one such drink of grog as I have seen swallowed in this country would there cost a dollar—in the Western country, where every man can get as much meat and bread as he can consume, and yet spend the best part of his days, and nights too, perhaps, on the tavern benches, or loitering at the cross-roads asking the news; can you expect the people of such a country, with countless millions of wild land and wild animals besides, can be cooped up in manufacturing establishments, and made to work sixteen hours a day, under the superintendence of a driver, yes, a driver, compared with whom a Southern overseer is a gentleman and a man of refinement; for, if they do not work, these work-people in the manufactories, they cannot eat; and among all the punishments that can be devised (put death even among the number), I defy you to get as much work out of a man by any of them as when he knows that he must work before he can eat.

But, sir, if we follow the example of England in one respect, as we are invited to do, we must also follow it in another. If we adopt her policy, we must adopt her institutions also. Her policy is the result of her institutions, and our institutions must be the result of our policy, assimilated to hers. We cannot adopt such an exterior system as that of England, without adopting also her interior policy. We have heard of her wealth, her greatness, her glory; but her eulogist is silent about the poverty, wretchedness, and misery of the lowest orders. Show me the country, say gentlemen, which has risen to glory without this system of bounties and protection on manufactures. Sir, show me any country, beyond our own, which has risen to glory or to greatness, without an established church, or without a powerful aristocracy, if not an hereditary nobility. I know no country in Europe, except Turkey, without hereditary nobles. Must we, too, have these Corinthian ornaments of society, because those countries of greatness and glory have given it to them? But, after we shall have destroyed all our foreign trade; after we shall have, by the prevention of imports, cut off exports—thus keeping the promise of the Constitution to the ear and breaking it to the hope—paltering with the people in a double sense—after we shall have done this, we are told "we shall only have to resort to an excise; we have only to change the mode of collection of taxes from the people; both modes of taxation are voluntary." Very voluntary! The exciseman comes into my house, searches my premises, respects not even the privacy of female apartments, measures, gages, and weighs everything, levies a tax upon everything, and then tells me the tax is a voluntary one on my part, and that I am, or ought to be, content. Yes, voluntary, as Portia said to Shylock, when she played the judge so rarely—"Art thou content, Jew? Art thou content?"

These taxes, however, it seems, are voluntary, "as being altogether upon consumption." By a recent speech on this subject, the greater part of which I was so fortunate as to hear, I learn that there have been only two hundred capital prosecutions in England, within a given time, for violations of the revenue laws. Are we ready, if one of us, too poor to own a saddle horse, should borrow a saddle, and clap it on his plow horse, to ride to church or court or mill or market, to be taxed for a surplus saddle horse, and surcharged for having failed to list him as such? Are gentlemen aware of the inquisitorial, dispensing, arbitrary, and almost papal power of the commissioners of excise? I shall not stop to go into a detail of them; but I never did expect to hear it said, on this floor, and by a gentleman from Kentucky too, that the excise system was a mere scarecrow, a bugbear; that the sound of the words constituted all the difference between a system of excise and a system of customs; that both meant the same thing: "Write them together; yours is as fair a name; sound them; it doth become the mouth as well;" here, sir, I must beg leave to differ; I do not think it does: "Weigh them; it is as heavy;" that I grant—"conjure with them;"—excise "will start a spirit as soon as" customs. This I verily believe, sir, and I wish, with all my heart, if this bill is to pass, if new and unnecessary burdens are to be wantonly imposed upon the people, that we were to return home with the blessed news of a tax or excise, not less by way of minimum than fifty cents per gallon upon whisky. And here, if I did not consider an exciseman to bear, according to the language of the old law books, *caput lupinum*, and that it was almost as meritorious to shoot such a hell-hound of tyranny as to shoot a wolf or a mad dog; and if I did not know that anything like an excise in this country is in effect utterly impracticable—I myself, feeling, seeing, blushing for my country, would gladly vote to lay an excise on this abominable liquor, the lavish consumption of which renders this the most drunken nation under the sun; and yet we have refused to take the duties from wines, from cheap French wines particularly, that might lure the dog from his vomit and lay the foundation of a reformation of the public manners. Sir, an excise system can never be maintained in this country. I had as lief be a tithe proctor in Ireland, and met on a dark night in a narrow road by a dozen whiteboys, or peep-of-day boys, or hearts of oak, or hearts of steel, as an exciseman in the Alleghany Mountains, met, in a lonely road or by-place, by a backwoodsman, with a rifle in his hand. With regard to Ireland, the British chancellor of the exchequer has been obliged to reduce the excise in Ireland on distilled spirits to comparatively nothing to what it was formerly, in consequence of the impossibility of collecting it in that country. Ireland is, not to speak with statistical accuracy, about the size of Pennsylvania, containing something like twenty-five thousand square miles of territory, with a population of six millions of inhabitants, nearly as great a number as the whole of the white population of the United States; with a standing army of twenty thousand men; with another standing army, composed of all those classes in civil life, who, through the instrumentality of that army, keep the wretched people in subjection: under all these circumstances, even in Ireland, the excise cannot be collected. I venture to say that no army that the earth has ever seen—not such a one as that of Bonaparte, which marched to the invasion of Russia, would be capable of collecting an excise in this country; not such a one (if you will allow me to give some delightful poetry in exchange for very wretched prose) as Milton has described—

> "Such forces met not, nor so wide a camp,
> When Agrican, with all his northern powers
> Besieged Albracca, as romances tell,
> The city of Calliphrone, from whence to win
> The fairest of her sex, Angelica,
> His daughter, sought by many prowest knights,
> Both Paynim and the peers of Charlemagne;"

not such a force, nor even the troops with which he compares them, which were no less than "the legend fiends of hell," could collect an excise here. If any officer of our government were to take the field a still-hunting, as they call it in Ireland, among our southern or western forests and mountains, I should like to see the throwing off of the hounds. I have still so much of the sportsman about me that I should like to see the breaking cover, and, above all, I should like to be in at the death.

And what are we now about to do? For what was the Constitution formed? To drive the people of any part of this Union from the plow to the distaff? Sir, the Constitution of the United States never would have been formed, and if formed, would have been scouted, *una voce*, by the people, if viewed as a means for effecting purposes like this. The Constitution was formed for external purposes, to raise armies and navies, and to lay uniform duties on imports, to raise a revenue to defray the expenditure for such objects. What are you going to do now? To turn the Constitution wrong side out; to abandon foreign commerce and exterior relations—I am sorry to use this Frenchified word—the foreign affairs, which it was established to regulate, and convert it into a municipal agent to carry a system of espionage and excise into every log-house in the United States. We went to war with Great Britain for free trade and sailors' rights; we made a treaty of peace in which I never could, with the aid of my glasses, see a word about either the one or the other of these objects of contention: we are now determined never to be engaged in another for such purposes; for we are ourselves putting an end to them. And, by the way of comfort in this state of things, we have been told, by the doctor as well as the apothecary, that much cannot be immediately expected from this new scheme; that years will pass away before its beneficial effects will be fully realized. And to whom is this told? To the consumptive patient it is said, "Here is the remedy; persevere in it for a few years, and it will infallibly cure your disorder"; and this infallible remedy is prescribed for pulmonary consumption, which is an opprobrium of physicians, and has reached a stage that, in a few months, not to say days, must inevitably terminate the existence of the patient. This is to be done, too, on the plea that the people who call for this measure are already ruined. I will do anything, sir, in reason, to relieve these persons; but I can never agree, because they are ruined, and we are half ruined only, that we shall be entirely ruined, for the contingent possibility of their relief. We have no belief in this new theory; new, for it came in with the French Revolution, and that is of modern date—of the transfusion of blood from a healthy animal to a sick one; and if there is to be such a transfusion for the benefit of these ruined persons now, we refer the gentlemen to bulls and goats for supplies of blood, for we should be the veriest asses to permit them to draw our own.

We are told, however, that we have nothing to do but to postpone the payment of the public debt for a few years, and wait for an accumulation of wealth, for a new run of luck—

> " Rusticus expectat dum defluat amnis, at ille
> Labitur, et labetur in omne volubilis ævum."

This postponement of the public debt is no novelty. All debts are, nowadays, as old Lilly hath it, in the future—in rus, "about to be" paid. We have gone on postponing paying the national debt, and our own debts, until individual credit is at an end; until property, low as it is reduced in price by our fantastic legislation, can no longer be bought but for ready money. Here is one, and there the other. I am describing a state of society which I know to exist in a part of the country, and which I hear, with concern, does exist, in a greater degree, in a much larger portion of the country than I pretend to be personally acquainted with.

In all beneficial changes in the natural world—and the sentiment is illustrated by one of the most beautiful effusions of imagination and genius that I ever read—in all those changes which are the work of an all-wise, all-seeing, and superintending Providence, as in the insensible gradation by which the infant bud expands into manhood, and from manhood to senility, or, if you will, to caducity itself—you find nature never working but by gradual and imperceptible changes; you cannot see the object move, but take your eye from it for a while, and, like the index of that clock, you can see that it has moved. The old proverb says, "God works good, and always by degrees." The devil, on the other hand, is bent on mischief, and always in a hurry. He cannot stay: his object is mischief, which can best be effected suddenly, and he must be gone to work elsewhere. But we have the comfort, under the pressure of this measure, that at least no force is exercised upon us; we are not obliged to buy goods of foreign manufacture. It is true, sir, that gentlemen have not said you shall not send your tobacco or cotton abroad; but they have said the same thing in other words, by preventing the importation of the returns which we used to receive, and without which the sale or exchange of our produce is impracticable: they say to us: "You shall sell only to us, and we will give you what we please; you shall buy only of us, but at what price we please to ask. But no force is used! You are at full liberty not to buy or to sell." Sir, when an English judge once told a certain curate of Brentford that the Court of Chancery was open equally to the rich and the poor, Horne Tooke replied, "So, my lord, is the London tavern." You show a blanket or a warm rug to a wretch that is shivering with cold, and tell him, "You shall get one nowhere else, but you are at liberty not to buy mine."

No Jew who ever tampered with the necessities of a profligate young heir, lending him money at a usury of cent per cent, ever acted more paternally than the advocates of this bill, to those upon whom it is to operate. "I advise you, young man, for your good," says the usurer. "I do these things very reluctantly," says Moses—"these courses will lead you to ruin." But no force—no, sir, no force, short of Russian despotism, shall induce me to purchase, or, knowing it, to use any article from the region of country which attempts to cram this bill down our throats. On this we of the South are as resolved as were our fathers about the tea which they refused to drink; for this is the same old question of the stamp act in a new shape—viz., whether they, who have no common feeling with us, shall impose on us not merely a burdensome but a ruinous tax, and that by way of experiment and sport. And I say again, if we are to submit to such usurpations, give me George Grenville, give me Lord North for a master. It is in this point of view that I most deprecate the bill. If, from the language I have used, any gentleman shall believe I am not as much attached to this Union as any one on this floor, he will labor under a great mistake. But there is no magic in this word union. I value it as the means of preserving the liberty and happiness of the people. Marriage itself is a good thing, but the marriages of Mezentius were not so esteemed. The marriage of Sinbad the Sailor with the corpse of his deceased wife was a union; and just such a union will this be if, by a bare majority in both houses, this bill shall become a law. And I ask, sir, whether it will redound to the honor of this house, if this bill should pass, that the people should owe their escape to the act of any others rather than to us? Shall we, when even the British Parliament are taking off taxes by wholesale—when all the assessed taxes are diminished fifty per cent—when the tax on salt is reduced seven-eighths, with a pledge that the remainder shall come off, and the whole would have been repealed, but that it was kept as a salvo for the wounded pride of Mr. Chancellor of the Exchequer, who, when asked, "Why keep on this odious tax, which brings but a paltry hundred and fifty thousand per annum?" answered by subterfuge and evasion as I have heard done in this house, and drew back upon his resources—his majority—how will it answer for the people to have to look up for their escape from oppression, not to their immediate representatives, but to the representatives of the states, or, possibly, to the executive? And permit me here to say, and I say it freely, because it is true, that I join as heartily as any man in reprehending "the cold, ambiguous support of the executive government to this bill." I do not use my own words; I deprecate as much as any member of this house can do that the executive of this country should lend to this bill, or to any other bill, a cold and ambiguous support, or support of any sort, until it comes before him in the shape of a law, unless it be a measure which he, in his constitutional capacity, may have invited Congress to pass. I may be permitted to say, and I will say, that in case this bill should be unhappily presented to him for his signature—and as an allusion has been made to him in debate, I presume I may repeat it—I hope he will recollect how much the country that gave him birth has done for him, and the little, not to say worse than nothing, that, during his administration, he has done for her. I hope, sir, he will scout the bill, as contrary to the genius of our government, to the whole spirit and letter of our confederation—I say of our confederation. Blessed be God, it is a confederation, and that it contains within itself the redeeming power which has more than once been exercised, and that it contains within itself the seeds of preservation, if not of this Union, at least of the individual commonwealths of which it is composed.

But, sir, not satisfied with an appeal to the example of Great Britain, whom we have been content hitherto very sedulously to censure and to imitate—as I once heard a certain person say that it was absolutely necessary for persons of a peculiar character to be extremely vehement in censure of the very vice of which they are themselves guilty—the example of Russia has been introduced, the very last, I should suppose, that would be brought into this house on this or any other question. A gentleman from South Carolina [Mr. Poinsett], whose intelligence and information I very much respect, but the feebleness of whose voice does not permit him to be heard as distinctly as could be wished, remarked the other day, and having it on my notes, I will, with his leave, repeat it: " Russia is cursed with a paper money which, in point of depreciation and its consequent embarrassment to her, can boast of no advantage, I believe, even over that of Kentucky—so cursed that it is impossible, until her circulation is restored to a healthful state, she can ever take her station as a commercial or manufacturing nation, to any extent." Nay, more, Russia, with the exception of few of her provinces, consists, like the interior of America, of a vast inland continent, desolated and deformed by prairies, or steppes as they are there called, inhabited by a sparse population; and, as an appeal has been made to experience, I ask any gentleman to show me an instance of any country under the sun that has, under these cricumstances, taken a stand as a manufacturing or great commercial nation. These great rivers and inland seas cut a mighty figure on the map; but when you come to consider of capacities for foreign commerce, how unlike the insular situation of Great Britain, or the peninsular situation of almost the whole continent of Europe, surrounded or penetrated as it is by inland seas and gulfs! May I be pardoned for adverting to the fact—I know that comparisons are extremely odious—that, when we look to Salem and Boston, to parts of the country where skill and capital and industry notoriously exist, we find opposition to this bill; and that, when we look to countries which could sooner build one hundred pyramids such as that of Cheops than manufacture one cambric needle or a paper of Whitechapel pins or a watch-spring, we hear a clamor about this system for the protection of manufactures. The merchants and manufacturers of Massachusetts, New Hampshire, the province of Maine, and Sagadahock repel this bill, while men in hunting-shirts, with deerskin leggings and mocassins on their feet, want protection for manufactures—men with rifles on their shoulders and long knives in their belts, seeking in the forests to lay in their next winter's supply of bear meat. But it is not there alone the cry is heard. It is at Baltimore—decayed, deserted Baltimore, whose exports have more than one half decreased, while those of Boston have four times increased—it is decayed and deserted Baltimore that comes here and asks us for the protection of those interests which have grown up during the late war—privateering among the number, I presume. Philadelphia, too, in a state of atrophy, asks for the measure—Philadelphia, who never can, pass what bill you please, have a foreign trade to any great amount, or become a great manufacturing town, for which she wants all the elements of climate, coal, and capital—this city, now overbuilt, swollen to the utmost extent of the integument, and utterly destitute of force or weight in the Union, wants this bill for the protection of the domestic industry of her free blacks, I presume. New York, too, is now willing to build up Montreal and Quebec at her expense—to convert the Hudson into a theater for rival disputants about steamboats in the courts below stairs, and for them and such as them, with a coasting license to ply upon. The true remedy, and the only one, for the iron manufacturer of Pennsylvania, who has nothing but iron to sell—and that, they tell us, is worth nothing—would be to lay on the table of this house a declaration of war in blank, and then go into a committee of the whole to see what nation in the world it would be most convenient to go to war with—for, fill the blank with the name of what power you please, it must be a sovereign state, and though it have not a seaman or a vessel in the world, its commissions are as good and valid in an admiralty court as those of the lord high admiral of Great Britain. In this way you will put our furnaces in blast and your paper mills into full operation; and many, very many who, during the last war, transported flour on horseback for the supply of your army, at the cost of a hundred dollars per barrel, and who have since transported provisions in steamboats up and down the Missouri River—very many such individuals would thus be taken out of the very jaws of bankruptcy and lifted up to opulence, at the expense of that people at whose expense, also, you are now about to enable these iron manufacturers to fill their pockets. New England does not want this bill. Connecticut, indeed, molasses having been thrown overboard to lighten the ship, votes for this bill. A word in the ear of the land of steady habits: I voted against that tax on the principle, which has always directed my public life, not to compromise my opinions, not to do evil that good may come of it; let me tell the land of steady habits that, after this bill shall be fairly off the shore; after we shall have cleared decks and made ready for action again; after she shall have imposed on me the onerous burden of this bill, she shall have the benefit of my vote to put on again this duty on molasses—not at this day—this is not the last tariff measure; for in less than five years I would, if I were a betting man, wager any odds that we have another tariff proposition, worse by far than that, amendments to which gentlemen had strangled yesterday by the bowstring of the previous question. Fair dealing leads to safe counsels and safe issues. There is a certain left-handed wisdom that often overreaches its own objects, which grasps at the shadow and lets go the substance. We shall not only have this duty on molasses, I can tell the gentleman from Connecticut, but we shall have, moreover, an additional bounty on intoxication by whisky, in the shape of an additional duty on foreign distilled spirits.

The ancient commonwealth of Virginia, one of whose unworthy sons, and more unworthy representatives, I am, must now begin to open her eyes to the fatal policy which she has pursued for the last forty years. I have not a doubt that they who were the agents for transferring her vast, and boundless, and fertile country to the United States, with an express stipulation, in effect, that not an acre of it should ever enure to the benefit of any man from Virginia, were as respectable, and kind-hearted, and hospitable, and polished, and guileless Virginia gentlemen as ever were cheated out of their estates by their overseers; men who, as long as they could command the means, by sale of their last acre or last negro, would have a good dinner and give a hearty welcome to whomsoever chose to drop in to eat, friend or stranger, bidden or unbidden. What will be the effect of this bill on the Southern states? The effect of this policy is what I shudder to look at, the more because the next census is held up *in terrorem* over us. We are told, you had better consent to this—we are not threatened exactly with General Gage and the Boston port bill; but we are told by gentlemen, " We shall, after the next census, so saddle and bridle and martingale you that you will be easily regulated by any bit or whip, however severe, or spurs, however rank, of domestic manufacture that we choose to use." But this argument, sir, has no weight in it with me. I do not choose to be robbed now, because, after I am once robbed, it will be easier to rob me again. *Obsta principiis* is my maxim, because every act of extension of the system operates in a twofold way, decreasing the strength and means of the robbed, and increasing those of the robber. This is as true as any proposition in mathematics. Gentlemen need not tell us, we had better give in at once. No, sir, we shall not give in; no, we shall hold out—we shall not give in. We do not mean to be threatened out of our rights by the menace of another census. We are aware of our folly, and it is our business to provide against the consequences of it; but not in this way. When I recollect that the tariff of 1816 was followed by that of 1819–20, and that by this measure of 1823–24, I cannot believe that we are, at any time hereafter, long to be exempt from the demands of these sturdy beggars who will take no denial. Every concession does but render every fresh demand and new concession more easy. It is like those dastard nations who vainly think to buy peace. When I look back to what the country of which I am a representative was, and when I see what she is—when I recollect the expression of Lord Cornwallis, applied to Virginia, "that great and unterrified colony," which he was about to enter, not without some misgivings of his mind as to the result of the invasion—when I compare what she was when this House of Representatives first assembled in the city of New York, and what she now is, I know, by the disastrous contrast, that her counsels have not been governed by statesmen. They might be admirable professors of a university, powerful dialecticians *ex cathedra*, but no sound counsels of wise statesmen could ever lead to such practical ill results as are exhibited by a comparison of the past and present condition of the ancient colony and dominion of Virginia.

In the course of this discussion I have heard, I will not say with surprise, because *nil admirari* is my motto—no doctrine that can be broached on this floor, can ever, hereafter, excite surprise in my mind—I have heard the names of Say, Ganilh, Adam Smith, and Ricardo pronounced not only in terms, but in a tone of sneering contempt, visionary theorists destitute of practical wisdom, and the whole clan of Scotch and Quarterly reviewers lugged in to boot. This, sir, is a sweeping clause of proscription. With the names of Say, Smith, and Ganilh I profess to be acquainted, for I, too, am versed in title pages; but I did not expect to hear, in this house, a name with which I am a little further acquainted, treated with so little ceremony; and by whom? I leave Adam Smith to the simplicity and majesty and strength of his own native genius, which has canonized his name—a name which will be pronounced with veneration when not one in this house will be remembered. But one word as to Ricardo, the last-mentioned of these writers—a new authority, though the grave has already closed upon him, and set its seal upon his reputation. I shall speak of him in the language of a man of as great a genius as this, or perhaps any, age has ever produced, a man remarkable for the depth of his reflections and the acumen of his penetration. "I had been led," says this man, "to look into loads of books—my understanding had for too many years been intimate with severe thinkers, with logic, and the great masters of knowledge, not to be aware of the utter feebleness of the herd of modern economists. I sometimes read chapters from more recent works, or part of parliamentary debates. I saw that these" (ominous words!) "were generally the very dregs and rinsings of the human intellect." (I am very glad, sir, he did not read our debates. What would he have said of ours?) "At length a friend sent me Mr. Ricardo's book, and, recurring to my own prophetic anticipation of the advent of some legislator on this science, I said, 'Thou art the man.' Wonder and curiosity had long been dead in me; yet I wondered once more. Had this profound work been really written in England during the nineteenth century? Could it be that an Englishman, and he not in academic bowers, but oppressed by mercantile and senatorial cares, had accomplished what all the universities of a century of thought had failed to advance by one hair's breadth? All other writers had been crushed and overlaid by the enormous weight of facts and documents. Mr. Ricardo had deduced, *a priori*, from the understanding itself, laws which first gave a ray of light into the unwieldy chaos of materials, and had constructed what had been but a collection of tentative discussions into a science of regular proportions, now first standing on an eternal basis."

I pronounce no opinion of my own on Ricardo; I recur rather to the opinion of a man inferior, in point of original and native genius, and that highly cultivated, too, to none of the moderns, and few of the ancients. Upon this subject, what shall we say to the following fact: Butler, who is known to gentlemen of the profession of the law as the annotator, with Hargrave, on Lord Coke, speaking with Fox as to political economy—that most extraordinary man, unrivaled for his powers of debate, excelled by no man that ever lived, or probably ever will live, as a public debater, and of the deepest political erudition, fairly confessed that he had never read Adam Smith. Butler said to Mr. Fox "that he had never read Adam Smith's work on the 'Wealth of Nations.'" "To tell you the truth," replied Mr. Fox, "nor I neither. There is something in all these subjects that passes my comprehension—something so wide that I could never embrace them myself, or find any one who did." And yet we see how we, with our little dividers, undertake to lay off the scale, and with our pack-thread to take the soundings, and speak with a confidence peculiar to quacks (in which the regular-bred professor never indulges) on this abstruse and perplexing subject. Confidence is one thing, knowledge another—of the want of which, overweening confidence is notoriously the indication. What of that? Let Ganilh, Say, Ricardo, Smith, all Greek and Roman fame, be against us; we appeal to Dionysius in support of our doctrines; and to him, not on the throne of Syracuse, but at Corinth—not in absolute possession of the most wonderful and enigmatical city, as difficult to comprehend as the abstrusest problem of political economy, which furnished not only the means, but the men for supporting the greatest wars—a kingdom within itself, under whose ascendant the genius of Athens, in her most high and palmy state, quailed, and stood rebuked. No; we follow the pedagogue to the schools—dictating in the classic shades of Longwood—(*lucus a non lucendo*)—to his disciples.

We have been told that the economists are right in theory and wrong in practise; which is as much as to say that two bodies occupy at the same time the same space; for it is equally impracticable to be right in theory and wrong in practise. It is easy to be wrong in practise; but if our practise corresponds with our theory, it is a solecism to say that we can be right in the one and wrong in the other. As for Alexander and Cæsar, I have as little respect for their memory as is consistent with that involuntary homage which all must pay to men of their prowess and abilities; and if Alexander had suffered himself to be led by the nose out of Babylon and banished to Sinope, or if Cæsar had suffered himself to be deprived of his imperial sway, not by the dagger of the assassin, but by his own slavish fears, I should have as little respect for their memory as for that of him whose example has on this occasion been held up to us for admiration. Speaking of that man who has kept me awake night after night, and has been to me an incubus by day, for fear of the vastness of his designs, I cannot conceive of a spectacle so pitiful, so despicable as that man, under those circumstances; and if the work dictated by him at St. Helena be read with the slightest attention, no forsworn witness at the Old Bailey was ever detected in so many contradictions as he has been guilty of. No, sir; the Jupiter from whose reluctant hand the thunderbolt is wrung is not the one at whose shrine I worship—not that I think that the true Amphytrion is always he with whom we dine. Napoleon is not the political economist who is to take the place of Smith or Ricardo. Will any man make me believe that he understood the theory or the practise of political economy better than these men, or than Charles Fox? Impossible. When I recollect what that man might have done for liberty, and what he did; when I recollect that to him we owe this Holy Alliance—this fearful power of Russia—of Russia, where I should advise persons to go who desire to be instructed in petty treason by the murder of a husband, or in parricide by the murder of a father, but from whom I should never think of taking a lesson in political economy—to whom I say rather, pay your debts, not in depreciated paper; do not commit daily acts of bankruptcy; restore your currency; practise on the principles of liberality and justice, and then I will listen to you. No, sir, Russia may, if she pleases, not only lay heavy duties on imports; she may prohibit them if she pleases; she has nothing to export but what some inland countries have, political power—physical, to be sure, as well as intellectual power—but she does not even dare to attack the Turk; she cannot stir; she is something like some of our interior people of the South, who have plenty of land, plenty of serfs, smoke-houses filled with meat, and very fine horses to ride, but who, when they go abroad, have not one shilling to bless themselves with; and so long as she is at peace, and does not trouble the rest of the world, so long she may be suffered to remain; but if she should continue to act hereafter as she has done heretofore, it will be the interest of the civilized world to procure her dismemberment, *per fas aut nefas.*

But, it is said, a measure of this sort is necessary to create employment for the people. Why, sir, where are the handles of the plow? Are they unfit for young gentlemen to touch? Or will they rather choose to enter your military academies, where the sons of the rich are educated at the expense of the poor, and where so many political janissaries are every year turned out, always ready for war, and to support the powers that be—equal to the strelitzes of Moscow or St. Petersburg. I do not speak now of individuals, of course, but of the tendency of the system—the hounds follow the huntsman because he feeds them, and bears the whip. I speak of the system. I concur most heartily, sir, in the censure which has been passed upon the greediness of office which stands a stigma on the present generation. Men from whom we might expect, and from whom I did expect, better things crowd the antechamber of the palace for every vacant office; nay, even before men are dead, their shoes are wanted for some barefooted office-seeker. How mistaken was the old Roman, the old consul, who, while he held the plow by one hand, and death held the other, exclaimed, "Diis immortalibus sero!"

Our fathers, how did they acquire their property? By straightforward industry, rectitude, and frugality. How did they become dispossessed of their property? By indulging in speculative hopes and designs, seeking the shadow while they lost the substance; and now, instead of being, as they were, men of respectability, men of substance, men capable and willing to live independently and honestly, and hospitably too—for who so parsimonious as the prodigal who has nothing to give—what have we become? A nation of sharks, preying on one another through the instrumentality of this paper system, which, if Lycurgus had known of it, he would unquestionably have adopted in preference to his iron money, if his object had been to make the Spartans the most accomplished knaves as well as to keep them poor.

But we are told this is a curious Constitution of ours: it is made for foreigners, and not for ourselves—for the protection of foreign, and not of American industry. Sir, this is a curious Constitution of ours; and if I were disposed to deny it, I could not succeed. It is an anomaly in itself. It is that supposed impossibility of all writers, from Aristotle to the present day, an *imperium in imperio.* Nothing like it ever did exist, or possibly ever will, under similar circumstances. It is a constitution consisting of confederated bodies for certain exterior purposes, and also for some interior purposes, but leaving to the state authorities, among a great many powers, the very one which we now propose to exercise; for, if we are now passing a revenue bill—a bill the object of which were to raise revenue—however much I should deny the policy, and however I could demonstrate the futility of the plan, I still should deem it to be a constitutional bill—a bill passed to carry, *bona fide*, into effect, a provision of the Constitution, but a bill passed with short-sighted views. But this is no such bill. It is a bill, under pretense of regulating commerce, to take money from the pockets of a very large and, I thank God, contiguous territory, and to put it into other pockets. One word, sir, on that point. I can assure the gentlemen whose appetites are so keenly whetted for our money—I trust, at least, if this bill passes, there will be a meeting of the members opposed to it, and a general and consentaneous resistance to its operation throughout the whole Southern country—and we shall make it by lawful means; *quant à nous*, the law will be a dead letter. It shall be to me, at least, as innocuous as the pill of the empiric which I am determined not to swallow. The manufacturer of the East may carry his woolens, or his cottons, or his coffins to what market he pleases; I do not buy of him. Self-defense is the first law of nature. You drive us into it. You create heats and animosities among this great family, who ought to live like brothers; and, after you have got this temper of mind roused among the Southern people, do you expect to come among us to trade, and expect us to buy your wares? Sir, not only shall we not buy them, but we shall take such measures (I will not enter into the detail of them now) as shall render it impossible for you to sell them. Whatever may be said here of the "misguided counsels," as they have been termed, "of the theorists of Virginia," they have, so far as regards this question, the confidence of united Virginia. We are asked—"Does the South lose anything by this bill—why do you cry out?" I put it, sir, to any man from any part of the country from the Gulf of Mexico, from the Balize, to the eastern shore of Maryland—which, I thank Heaven, is not yet under the government of Baltimore, and will not be, unless certain theories should come into play in that state which we have lately heard of, and a majority of men, told by the head, should govern—whether the whole country between the points I have named is not unanimous in opposition to this bill. Would it not be unexampled that we should thus complain, protest, resist, and that all the while nothing should be the matter? Are our understandings (however low mine may be rated, much sounder than mine are engaged in this resistance) to be rated so low as that we are to be made to believe that we are children affrighted by a bugbear? We are asked, however, "Why do you cry out? It is all for your good." Sir, this reminds me of the mistresses of George II., who, when they were insulted by the populace on arriving in London (as all such creatures deserve to be, by every mob), put their heads out of the window, and said to them in their broken English, "Goot people, we be come for your goots;" to which one of the mob rejoined, "Yes, and for our chattels, too, I fancy." Just so it is with the oppressive exactions proposed and advocated by the supporters of this bill, on the plea of the good of those who are its victims.

There is not a member in this house, sir, more deeply penetrated than the one who is endeavoring to address you with the inadequate manner in which he has discharged the task imposed upon him; in this instance, he will say, on his part, most reluctantly. But, as I have been all my life a smatterer in history, I cannot fail to be struck with the fitness of the comparison instituted by a historian of this country with the Roman republic just as it was in a state of preparation for a master:—

> "Sed, postquam luxu, atque desidia civitas corrupta est; rursus respublica, magnitudine sua, imperatorum atque magistratuum vitia sustentabat; ac veluti effœta parentum, multis tempestatibus, haud sane quisquam Romæ virtute magnus fuit."

Of this quotation I will, as they sometimes say in Parliament, for the benefit of the country gentlemen attempt a translation: "But, after the state had become corrupted by luxury and sloth"—in the "Arabian Nights Entertainments" we are told of one who laid by his sequins in good money, and when he afterward came to use them, he found them to be bits of paper, not worth more than old continental (or Kentucky) money—"by luxury and sloth, again the republic"—and here I press the comparison—"by dint of its own magnitude, its own greatness, its own vastness, bore up under the faults, the vices, of its generals, magistrates, and that, too, as if effete (past bearing), since for a long while"—I hope the comparison will not hold here—"for a long time scarcely any man had become great at Rome by his merit." So, sir, it is with this republic. It does sustain by its greatness and growing magnitude the follies and vices of its magistracy. Had this government been stationary like any of the old governments of Europe of the second class—Prussia for instance, or Holland—by the political evolutions of the last thirty years, I might say the last twelve years, it would have sunk into insignificance and debility; and it is only upon this resource, the increasing greatness of this republic, that the blunderers who plunge blindfold into schemes like this can rely for any possibility of salvation from the effects of their own rash, undigested measures. It is true that the race is not to the swift, nor the battle to the strong; and elsewhere than in the republic of Rome, and of other times than the days of Catiline, it may be said, *Haud sane quisque virtute magnus est.*

> "'Tis not in mortals to command success!—
> But do you more, Sempronius!—don't deserve it,
> And take my word you won't have any less;
> Be wary, watch the time, and always serve it."

Under these views, and with feelings of mortification and shame at the very weak opposition I have been able to make to this bill, I entreat gentlemen to consent that it may lie over, at least until the next session of Congress. We have other business to attend to, and our families and our affairs need our attention at home; and indeed I, sir, would not give one farthing for any man who prefers being here to being at home; who is a good public man and a bad private one. With these views and feelings, I move you, sir, that the bill be indefinitely postponed.

RED JACKET

REPLY TO SAMUEL DEXTER

[Red Jacket, otherwise Sagoyewatha, or "he who keeps them awake," an Indian orator whose eloquence made him a celebrated leader of his people, was born in New York state in 1751. He was astonishingly fleet of foot, in recognition of which an English officer presented him with a flaming-colored coat which he wore on all occasions and which earned him the name of "Red Jacket." The young Indian exhibited gifts of speech far superior to anything in the nature of eloquence with which his tribesmen were acquainted. He regarded the Christian missionary and the Christian creed with equal detestation. His gestures when he spoke were in harmony with the savage character of his utterances and his majestic carriage. Now he strode up and down waving the tomahawk, and again he would fold his arms and whisper his words with solemnity. Many were the council fires at which he prevailed, although he met with some defeats in debate, notably when the treaty between the United States and the Six Nations was carried in 1784. He died in squalor and neglect in 1830. The following speech, relating to the treaty of friendship between the United States and the Six Nations, was addressed to our minister of war, at Fort Stanwix, 1801.]

BROTHER: We yesterday received your speech, which removed all uneasiness from our minds. We then told you that, should it please the Great Spirit to permit us to rise in health this day, you should hear what we have come to say.

Brother: The business on which we are now come is to restore the friendship that has existed between the United States and the Six Nations, agreeably to the direction of the commissioner from the fifteen fires of the United States. He assured us that whensoever, by any grievances, the chain of friendship should become rusty, we might have it brightened by calling on you. We dispense with the usual formality of having your speech again read, as we fully comprehended it yesterday, and it would therefore be useless to waste time in a repetition of it.

Brother: Yesterday you wiped the tears from our eyes, that we might see clearly; you unstopped our ears that we might hear; and removed the obstructions from our throats that we might speak distinctly. You offered to join with us in tearing up the largest pine tree in our forests, and under it to bury the tomahawk. We gladly join with you, brother, in this work; and let us heap rocks and stones on the root of this tree, that the tomahawk may never again be found.

Brother: Your apology for not having wampum is sufficient, and we agree to accept of your speeches on paper, to evince our sincerity in wishing the tomahawk forever buried. We accompany a repetition of our assurances with these strings. [Hands over strings of wampum.]

Brother: We always desire, on similar melancholy occasions, to go through our customary forms of condolence, and have been happy to find the officers of the government of the United States willing in this manner to make our minds easy.

Brother: We observe that the men now in office are new men, and, we fear, not fully informed of all that has befallen us. In 1791 a treaty was held by the commissioners of Congress with us at Tioga Point, on a similar occasion. We have lost seven of our warriors, murdered in cold blood by white men, since the conclusion of the war. We are tired of this mighty grievance, and wish some general arrangement to prevent it in future. The first of these was murdered on the banks of the Ohio, near Fort Pitt. Shortly after, two men belonging to our first families were murdered at Pine Creek; then one at Fort Franklin; another at Tioga Point; and now the two that occasion this visit, on the Big Beaver. These last two had families. The one was a Seneca; the other a Tuscarora. Their families are now destitute of support, and we think that the United States should do something toward their support, as it is to the United States they owe the loss of their heads.

Brother: These offenses are always committed in one place, on the frontier of Pennsylvania. In the Genesee country we live happy, and no one molests us. I must, therefore, beg that the President will exert all his influence with all officers, civil and military, in that quarter, to remedy this grievance, and trust that he will thus prevent a repetition of it, and save our blood from being spilled in future. [Offers a belt.]

Brother: Let me call to mind the treaty between the United States and the Six Nations, concluded at Canandaigua. At that treaty, Colonel Pickering, who was commissioner on behalf of the United States, agreed that the United States should pay to the Six Nations $4,500 per annum, and that this should pass through the hands of the superintendent of the United States, to be appointed for that purpose. This treaty was made in the name of the President of the United States, who was then General Washington; and as he is now no more, perhaps the present President would wish to renew the treaty. But if he should think the old one valid, and is willing to let it remain in force, we are also willing. The sum above mentioned we wish to have part of in money, to expend in more agricultural tools, and in purchasing a team, as we have some horses that will do for the purpose. We also wish to build a sawmill on the Buffalo Creek. If the President, however, thinks proper to have it continue as heretofore, we shall not be very uneasy. Whatever he may do we agree to; we only suggest this for his consideration. [Gives a belt.]

Brother: I hand you the above-mentioned treaty, made by Colonel Pickering in the name of General Washington, and the belt that accompanied it; as he is now dead, we know not if it is still valid. If not, we wish it renewed; if it is, we wish it copied on clean parchment. Our money got loose in our trunk and tore it. We also show you the belt which is the path of peace between our Six Nations and the United States. [Presents a treaty and two belts.]

Brother: A request was forwarded by us from the Onondaga nation to the governor of New York, that he should appoint a commissioner to hold a treaty with them. They have a reservation surrounded by white men, which they wish to sell. The Cayugas, also, have a reservation so surrounded that they have been forced to leave it, and they hope that the President's commissioner, whom they expect he will not hesitate to appoint, will be instructed to attend to this business. We also have some business with New York, which we would wish him to attend to.

Brother: This business that has caused this, our long journey, was occasioned by some of your bad men: the expense of it has been heavy on us. We beg that as so great a breach has been made on your part, the President will judge it proper that the United States should bear our expenses to and from home, and while here.

Brother: Three horses belonging to the Tuscarora nation were killed by some men under the command of Major Rivardi, on the plains of Niagara. They have made application to the superintendent and to Major Rivardi, but get no redress. You make us pay for our breaches of the peace; why should you not pay also? A white man has told us the horses were killed by Major Rivardi's orders, who said they should not be permitted to come there, although it was an open common on which they were killed. Mr. Chapin has the papers respecting these horses, which we request you to take into consideration.

CECIL RHODES

THE CRISIS IN SOUTH AFRICA

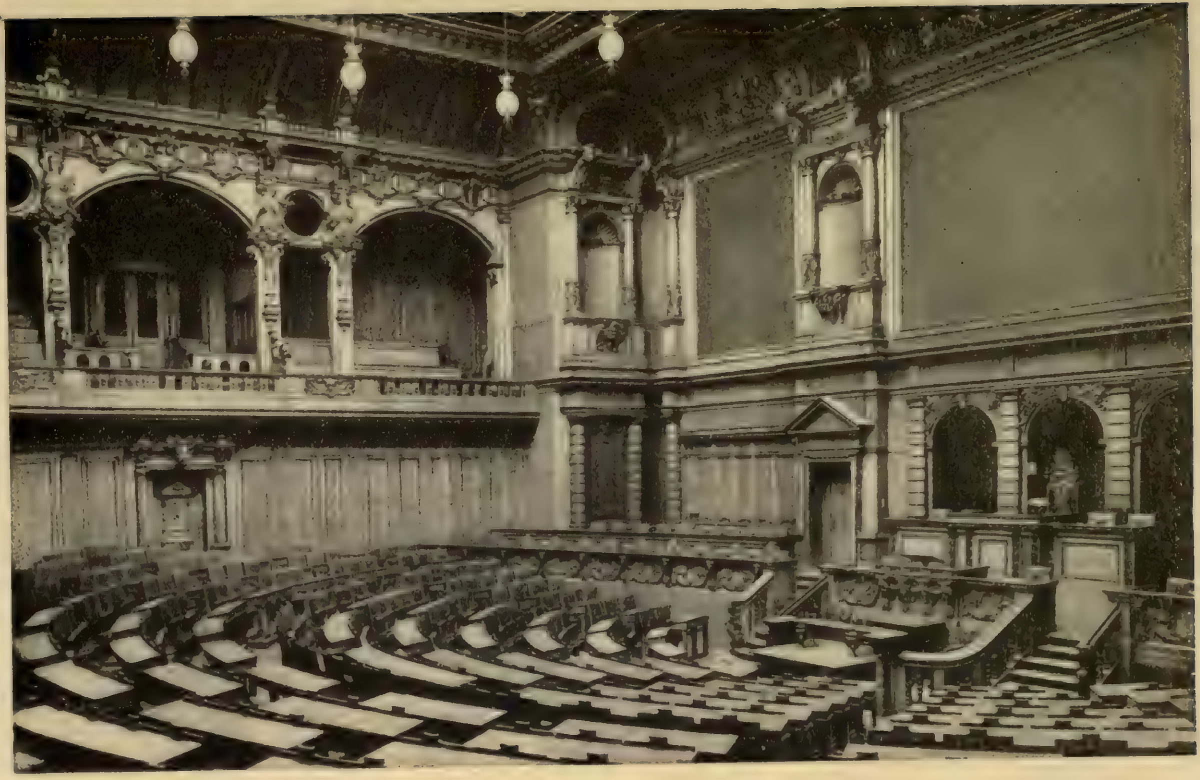
[Cecil Rhodes, a British imperialist, was born in Hertfordshire in 1853. His father was a clergyman of the Church of England, and in his twentieth year the son matriculated at Oxford. Failing in health, he went to South Africa, but returned to Oxford and took his degree. Going back to South Africa, he acquired interests and planned a career. The diamond mines first engaged his attention. He amalgamated them under one corporate head. Next he interested himself in agriculture and industrial operations on a large scale. In 1881 he entered public life as a member of the Cape Assembly. For the next twenty years he was engaged in opposing politically the aims of Paul Krüger, President of the South African Republic. In 1889 he founded the British South Africa Chartered Company. Then followed six years of splendid achievement. He occupied the vast stretch of country known as Rhodesia. He became premier of the Cape. The discovery in the Transvaal of rich gold-fields in 1895 had strengthened Boer power. The working of the mines was carried on by Uitlanders, mostly of British origin. These Uitlanders had many grievances against the Dutch, and the result was the Jameson raid, in which Rhodes was implicated. When the South African War broke out, the opposition in England made him a scapegoat, and, what with the strain of the war and other trials, the ordeal undermined his constitution. He died in Cape Town, South Africa, in 1902. The speech given here, in regard to the crisis of affairs in South Africa, was made at Cape Town in 1899, shortly before the beginning of the Boer War.]

I THANK you for the address you have given me. I have also to thank Mr. Louw for greeting me here. I specially refer to Mr. Louw because our difficulties are very great in South Africa at the present time, and Mr. Louw belongs to that portion of his race who have not bowed down to the terrorism that exists with a large section of their party.

I am sorry to say that I have extreme opponents, while

THE REICHSTAG

Photogravure after a photograph



there are also moderate men who in their hearts support the true policy of imperialism; but there are others, like Mr. Louw, who, in spite of coercion and everything that may be brought to bear upon them, have stood all obloquy from a section of their party in order to support what they thought the right thing in the interests of South Africa. We have not only all the inhabitants of the English race on our side, but almost the whole of the colored community as well, although it happens at present that a large section of another race in this country are strongly opposed to our thoughts and ideas. It is for us to thank those of that race who, after considering the question very carefully, have approved of everything which they think right for the good of South Africa.

With reference to the special work as to which you have greeted me, I would point out that there has been a great change in the opinions of our people at home.

When I first commenced the idea of expansion in Africa, I found myself with few supporters out here. People at home also, whatever party they belonged to, if they did not show any opposition, were absolutely without enthusiasm. Now all that has changed. I need not go into details of the change, but I would remark that, whatever might have been the rights of the question of confining our great country to the British Isles, and perhaps a few dependencies that were then possessed, the policy of the world was to shut her out.

I can tell you a good story on this point. Mr. Gladstone once talked to me upon this very question of expansion, and said to me:—

> "Mr. Rhodes, we have enough; our obligations are too great; but, apart from the question of increasing our obligations in every part of the world, what advantage do you see to the English race in the acquisition of territory, was it that every power in the world, including our kinsmen the Americans, as soon as they took new territory, placed hostile tariffs against British goods?"

I said we must remember Great Britain is a very small island, not nearly the size of France, and she has not that wonderful wine industry, nor has she a continent like the Americans. Great Britain's position depends on her trade, and if we do not take and open up the dependencies of the world which are at present devoted to barbarism, we shall be shut out from the world's trade. For this reason.

The question of tariffs is not with our opponents a question of revenue; they simply wish to put on such tariffs as will absolutely exclude Great Britain from the trade of their dependencies.

I remember so well that Mr. Gladstone replied, with his bright intelligence, that he could not believe that; and said that other countries might go temporarily wrong, but surely in the end the principles of free trade would prevail.

I said in answer: "Mr. Gladstone, I should like to think so. In logic you are all right, but in practise you will be all wrong. You will find that as each new country is taken up, the possessing power will put a prohibitive tariff against you. Now England depends upon her working up raw goods, turning them into the manufactured articles, and distributing them to the world; and if the markets of the world are shut against us, where shall we be?"

Mr. Gladstone said he would quite agree with me if he really believed that, for, if in every new country, taken by another power, hostile tariffs were put against us, it was a poor lookout; but he [Mr. Gladstone] believed in the success of free trade principles.

It is needless for me to tell you that free trade principles have not prevailed; on the contrary, it has been the policy of every power that had acquired a new dependency to introduce these hostile tariffs.

Take, for example, the case of Madagascar. When France took that island there were certain treaties in connection with it which allowed equality of trade. That was allowed on the basis of the island being a protectorate; but as soon as France annexed it, the French tariff was dead against us. Her majesty's prime minister continuously remonstrated without avail, and rightly so from the French point of view.

The French said: "We have been at all the trouble and expense of taking this island, and we want the advantage of possessing it. It is all very well for you English people to talk about equality of trade, but that equality means that we shall not be in it at all. We find that you English are always admirably logical on any point that is in your favor. Practically, we could not compete with you. We have spent millions in taking this island, and we mean to have its trade."

As I have said before, it is an admirable thing for one cricketing eleven to say to another eleven, "We will play with you on equal terms," when that one knows that it will be absolutely victorious.

The opponents, however, require eighteen, and even demand twenty-four, and sometimes will not play at all. And so with the French. They say: "It is an admirable case, but if we place you on an equality with us in Madagascar, we shall have no trade at all. We did not take that island and spend those millions for amusement. We took that island to expand our trade, and the only way we can do that is by putting hostile tariffs against you."

You may ask what I mean by that argument—what I am leading to. Well, I think that English public opinion has changed, owing to the thought of the workmen.

The workmen find that although the Americans are exceedingly fond of them, and are just now exchanging the most brotherly sentiments with them, yet they are shutting out their goods. The workmen also find that Russia, France, and even Germany locally are doing the same, and the workmen see that if they do not look out they will have no places in the world to trade with at all. And so the workmen have become imperialist, and the Liberal party are following.

Now, when we commenced that policy of taking over the North—and you must not give me the sole credit of it—the thought that guided one in one's ideas was that the world was limited, and that the country to which we all belong should have as much of it as it could possibly get. This was a consideration which affected not only the people at home but the people here, including not only English, but Dutch.

If we are a great people, it is because we are an amalgamation of races. I have found that the strongest point urged by the opponents of territorial expansion is that they say:—

"You are always talking about the annexation of territories, but what do you do? We helped Canada through all her wars, and gave her self-government, and the first thing they do is to place huge tariffs against us and shut out our goods. Australia has done the same, and every colony to which we give self-government does everything in its power to follow suit."

Now, practically, apart from the sentiment of a great empire, the British are a commercial people, and yet these colonies, having gained all the advantages of self-government, shut out British goods, and made bad clothes and bad boots at the expense of the general community.

Having thought over this matter a great deal, we have now, in the constitution of a new country—namely, Rhodesia—the best reply to the Little Englanders, for that constitution contains a clause that in a territory representing 800,000 square miles of the world's surface the duties on British goods shall not exceed the present Cape tariff. We have a fairly high tariff, but it is for revenue, not for the protection of industries. Having adopted that principle, it is the constitution of the country, and I see no possibility of its being changed. It is a sacred thing, and that is the return to England for the blood and treasure that she may spend on the protection and security of the new country.

From the colonists' point of view we have a fair tariff, if there were an opportunity of development. We have a fair stimulant in the present tariff, and we will not have a tariff so high as to give the people bad articles simply for the promotion of local industry. If you follow that thought, and secure federation, that will be the basis of the tariff system in Africa.

With such a system we could make the best reply to the mother country, saying: "We do not talk of sentiment to you; we have done a practical thing; we have asked nothing from you in return, but have placed on record in our constitution an upper limit for your goods, which will give you practically the sole trade of our territories."

I had a great battle over how the clause should be worded. The late ministry wished me to put it that the duty on imported goods should not exceed the present Cape tariff; but I said, "No, I will have it 'British'—not 'imported.'"

The politics of the next hundred years are going to be tariffs, and nothing else. We are not going to war for the amusement of royal families as in the past, but we mean practical business. The next war may be not with guns and rifles, say with America; but America will have to be told that they must change their tariff or Great Britain will put a tariff against them.

The United States would not hold out for twenty-four hours, but would say it was perfectly good business, and would meet us on the tariff basis. With regard to South Africa, the present difficulties are only temporary; but supposing we had put into the Rhodesian constitution only the word "imported," and the mother country had adopted our policy for the sake of free trade in the world, that constitution would bar it here because the word "imported" covers the world; but the present constitution of Rhodesia —which is the Cinderella of the Cape—contains the word "British."

The time will come, although, probably, most of us will be gone, when her majesty's government will say to the world, "We will give you free trade and admit your raw products, but you must admit our manufactures, and until you do so we will not give you equal privileges."

I think that the best reply possible to the Little Englander when he uses the phrase, *Cui bono?*—"To what advantage?" I reply, the advantage of the trade of Rhodesia. Great Britain will have a perpetual market for her goods until the constitution of Rhodesia is changed, and you must remember there is one thing which human beings never change, and that is the sacred constitution on which their country is founded. It was the sacredness of the Constitution of Washington which brought about the American War, and which appealed so powerfully to the American citizens. I feel sure that when federation in South Africa is arrived at, this idea of an upper limit for British goods will remain in the constitution of the federated states, and will be their return to the mother country for the blood and treasure she has spent in their behalf.

I will now relate to you a rather amusing incident. If I have had one persistent opponent in connection with my thoughts of expansion, it is Sir William Harcourt. Just when I was getting my fresh capital, Sir William went out of his way to make one of those ponderous speeches which are only equaled by the size of his frame, describing the scheme of a Cape Town to Cairo railway as a wildcat scheme. Well, you know that the line up to Bulawayo is already paying interest upon construction, and also that we have raised from three to four millions, which will take it to Tanganyika; and without running the risk of being accused of repetition, I may add there are very good grounds for supposing that we shall see Lord Kitchener shortly steaming steadily away from Khartum to Uganda.

But, oh, the ironies of fate! Sir William Harcourt had to retire compulsorily from the representation of Derby, being beaten by Mr. Drage, who, I understand, is the chairman of the South African Committee, and who assured me that he defeated Sir William upon the imperial question, the question that England meant to solemnly recognize her obligations to retain her colonies, thus encouraging the doctrine of honest expansion.

Then Sir William Harcourt had to retire to the delights of Wales. After a happy rest within the precincts of Rome, he returned the other day, not to attack the budget, as a gentleman said, but to visit his constituents, and now came the irony of the situation. After a delightful speech he visited the ironworks of his principal supporters, a large number of the voters of his division, and was exceedingly pleased with what he saw. But there was one horrid writing on the wall. They were making rails for the line to Cairo. They had an order for about fifty miles, and had lately got an order for another fifty, and he met the wildcat scheme everywhere. The wages of the workmen, the profits of the owners, the industry that was shown him, all of it was production for this wildcat scheme. I think that story is an amusing one, and it contains a lesson.

I would almost be happy to go and stand for that constituency. I notice that all those gentlemen, with the exception of Mr. Morley, are now declaring that they are not Little Englanders; but people must judge them by their past speeches and not their present or future utterances, because they are only waiting and hoping for a reverse to return to the point. They hoped it might come in China, or in Fashoda, but I do not think they really expect it in the Transvaal.

That notion is too ridiculous. I always think that President Krüger must be very proud of himself. I should feel alarmed if I heard that the Czar was going to Pekin, or that the French were moving in Newfoundland or the Niger territories, or were quarreling over the Fashoda settlement. But when I am told the President of the Transvaal is causing trouble, I cannot really think about it. It is too ridiculous. If you were to tell me that the native chief in Samoa was going to cause trouble to her Majesty's government, then I would discuss the proposition that the Transvaal was a danger to the British Empire.

If you asked me to discuss the position, I would like to take a Boer child and give him a picture of the present Transvaal government, and I feel sure that the child would say to his father: "Father, that doesn't exist in this country. You are not telling me the truth. That might have happened six hundred years ago, but it is impossible now."

And that is the judgment of the world. I will repeat something which has struck those in high places more than anything. Consider the small output of the new country of Rhodesia, which has had everything against it, but has every confidence in its administration, and the fact that I have obtained nine millions of money. With the greatest production of gold in the world, a most beautiful climate, a most energetic people producing seventeen millions per annum, my neighboring friend could not get two millions of money. The whole of the world's money is not in London. There were Berlin and Paris to apply to also; but the financial people felt that the Transvaal system of administration was so bad that they would not even part with two millions, no matter what terms were offered.

Well, we hope it will change. Of course it is going to change. Her Majesty's government are determined to have a redress of the Uitlanders' grievances. The President is doing the usual thing, he is playing up to the Raad. I wish to be quite clear on what I state. I have talked to no ministers on the subject, and I do not wish it to be inferred that I have spoken to the Cabinet. But I have talked to people in London during the last three months, and I can say that her Majesty's government are determined to have a redress of the Uitlanders' grievances.

The matter throws my recollection back to the Drifts question, when the Drifts were closed against our trade, and you know that if such a thing were allowed the trade of the colony would be cut off. You know the story, and I would say this, that there was no one stronger in the Cabinet than the present prime minister. The Cape government, having demanded intervention, were asked were they prepared to give a passage for troops and pay half the expenses of the undertaking, the argument being that it was the affair of the Cape and not of Great Britain.

After considerable discussion, the Cabinet decided unanimously that they were prepared to pay half the expense of introducing British troops, to use violence if necesssary. I felt that Mr. Krüger would then give in, and so he did, and I am equally sure that the President is going to give her Majesty the terms which her Majesty now demands.

Some of you may remember the trouble in years past with Bechuanaland, when Krüger desired to cut off the colony and to have the center for himself. Well, with the help of your present member [Mr. F. R. Thompson], who threw his ability and determination into the work, the British authorities were successful. I remember one morning, after one of those horrid night journeys in a Cape cart, I arrived at the camp of the head of the Boer commando on the Hartz River. There I was told there was a good deal of "blood-and-thunder" talk, and I was asked by the commandant—

"Who are you?"

I replied, "My name is Cecil Rhodes," and the leader retorted, "Oh, you're the administrator," and thereafter there were some more threats, and the statement, "bloed zal vloein"—blood will flow.

I said to him: "Don't talk nonsense; I'm very hungry; come and give me some breakfast."

I stopped there a week, and on my departure there was a little function; I became the godfather of the Boer commandant's grandchild. The same sort of thing is going to happen just now.

Before I leave the subject I will say that there is not the slightest chance of war, but her Majesty's government are going to get the terms which are demanded as being fair and right to the Uitlanders. I will leave that question now, because, as I have said, it is only a temporary trouble in Africa.

But there is a much more serious question. You have been congratulating me upon my work in the north, and have supported me most admirably during my time of trouble, when I had to suffer for certain conduct of my own. I have steadily gone on with the work in the north on the basis of equal rights for every class of citizen, and have been trying to obtain as much money for development as I can secure. I have been most fortunate in that, but still I have to look at the future.

You will recognize the enormous changes here, and the prosperity of the country, especially in this place, because the railways of Africa have been made like the palm of my hand, and we propose to continue that policy of extension. But you have to remember that there are ports on the east and west, and that the only certain security for keeping the position in the south is a union of the states of South Africa.

I was a little alarmed when some measures were submitted to the new council of Rhodesia, at the feeling shown about that fact that Cape products were being treated on a different footing. It was demanded that rates should be imposed against the Cape, just the same as against other countries. I know, without desiring in the least to threaten, that there is a tendency in the north, as there always is with new states, to be independent.

And I may say, in this connection, that in the Transvaal there is no love for Jan Hofmeyr; they will use him, but they do not care about him. You have never got one sixpence from the Transvaal. You have indulged in a good deal of sentiment, but got nothing in return. Well, the whole solution for the Cape is a simple one. We are getting far into the interior of Africa, but there is a time coming in the ordinary course of nature for my disappearance, and you must not let this north drift away from you. On the north depends the Transvaal, because it is surrounded. You need not think about this temporary difficulty with the

Transvaal; but I believe that with the great community which has arisen in that state, amounting to about 80,000; knowing the extent of the deep-levels and the distance to which the gold-belts stretch, I may say there will be half a million of people there in course of time.

If we are to realize our dream of a South African Union (I can speak frankly now, because the question of the value of the north is settled, and if some of you really believed that it would only produce whip-sticks, we know now that it is rich in gold), one has to consider that the time has arrived for you to work for a solution.

I know Natal is ready for it, and I think the people in the north would consider it; although, when they had a large output, goodness knew what they would do, people got so uplifted. As to the Transvaal, I believe the new population, if they had their rights, would work for union in Africa. There is a practical point in it. They know that whatever Rhodesia possesses it will possess the whole labor factor; that north and south of the Zambesi we have native laborers in millions, and labor is the question. We have thus an asset for bargaining with.

I am aware that in thinking out this question of union a charge will be made in relation to the flag question in the neighboring states. To that I reply, Go and read Mr. Bryce's book on South Africa, and you will find it shown that there have been federations in Europe with different flags. We can federate without bringing up that awful question of the flag. One knows in the end what flag will fly.

What does that confederation mean? It means a great future for your children. It means a distribution of thought in your families between mining, commercial, and political work—all those classes of work which are given to human beings to accomplish. It means that in a great area of territory which compares very favorably with any other portion of the world, you have gold, diamonds, copper, coal, wine, sheep, everything almost you can think of; and you only want a united people for the proper development of that huge extent of country.

How is that idea to be brought about? Are the majority of the people south of the Zambesi in favor of it? Most distinctly they are.

I wonder if any one has gone into figures. I would not make the charge for one moment that the Dutch are against you. I do not believe that. There is a bold section, like my friend Mr. Louw, and a few others. These have spoken out their thoughts and have suffered for it. But even if I were to take it that the whole of the Dutch race was against us, let us count up the states of Africa and their population, taking it on a basis of males.

We have already 12,000 with us in Matabeleland. It is only a commencement of the mining industry, and it is a simple arithmetical question. If we have 12,000 with a few mines, when we have, say, 200 mines, we know how many more supporters we shall have for federation. It is fair to state that in the neighboring state, the Transvaal, the new population represents 80,000, who are deprived of their franchise rights, although most interesting little lads are made burghers; and those Transvaal students, when they come to Stellenbosch, are enabled to vote as British subjects, while at the same time they are burghers of the Transvaal. I may say that the new population are the Progressives of the Transvaal, and I distinctly claim that a large section of the Dutch are also supporters of reform. That gives you 92,000 on your side. Then in Natal, a plucky little colony, there are 40,000 white inhabitants, of which number you are entitled to claim at least 10,000 as Progressives. Coming to the old Cape Colony, we can deal with absolute statistics. The number of voters is 108,000, but a certain number do not vote. After a careful examination of the lists, however, you will find that the Bond received 33,000, while the Progressives received 46,000 votes. That is a fair representation, but I will allow the Dutch one-half. If, therefore, you add 54,000 in the Cape to the 102,000 already estimated in the North, Natal, and the Transvaal, you arrive at the number of Progressives who would probably support union, namely, about 150,000, making allowance for those who do not vote, exclusive of the Free State. It is safe to say that there is an enormous majority in South Africa absolutely in favor of federation.

Then why does not federation come about in the usual way? Why are not delegates from Natal, the Cape Colony, the Transvaal, and Rhodesia called together to agree to a federal constitution, which, as you know, means that the big questions would be left for settlement to the federal government, full liberty being given to the local governments to dispose of all local questions?

Rhodesia is just coming on the scene, but without trespassing on the position of the high commissioner I have noticed that the 80,000 in the Transvaal are described in a despatch as helots, who were Spartan slaves. These 80,000 are slaves, to use a John Bull term, and they are our fellow countrymen, and friends from other countries. They cannot vote at all. I repeat that plucky little Natal, with her great ideas of expansion and a mind large in proportion to her size, would fall in with federation. The elections in the Cape have shown that if there was fair representation this colony also would join in a South African union.

As the oldest state, and the parent of all, its duty is to take the lead. It can be maintained without dispute, even from our most extreme opponents, that if the Progressives had proper representation they would have a majority of members. By an accident they are three or four behind; in one case, that of Aliwal North, Tengo Jabavu's brother making the difference.

What, then, is it that stops federation? Both sides of the House are quite clear on the black question. I have had some doubts about the Bond, but was delighted when Mr. Vander Walt said that one thing he was hoping for was to see Jabavu sitting side by side with him in the House. The pure natives in Tembuland voted with the Bond, although the Progressives had declared their program of equality of rights for every civilized man south of the Zambesi.

By that we mean that any men, provided they can write their names, place of residence, and occupation, and that they are workers or possessed of some property, quite irrespective of color, would be entitled to these rights. But the Bond has gone one better still. They are hungering for Tengo Jabavu in the House, and the Bond gained its present position in the House by the support of the pure native voters.

As for the colored people, I owe them a deep debt of obligation for the work they have done for me in Rhodesia.

It was they who, with their corps, stormed the fastnesses of Matabeleland. They did so not once, but repeatedly, and I regard them as one of the great sources of prosperity in this country.

Changing from the Matoppos to my fruit farms, I have ascertained from Californians, with whom I have discussed the question of labor, that they have nothing in California to equal the colored man as a laborer. That is my contribution to the position of the colored men in this country, and I am thankful to take the opportunity of making such a statement. I will add that I do not make that remark to get the colored voters, because the Progressives have them already.

I will also say openly that where Dutch people have a position and a stake in this country, I have noticed in each district I have visited, while they fairly remonstrated with me in connection with my conduct in the raid, yet broadly, on the point of equality of rights in South Africa, they were with me.

They simply said they would no longer be under the domination of the Bond. I have been under the domination of the Bond myself, and other ministries will also be under that domination until we carry out that thought of equality. Well, it may be asked, with such a thought, with such an idea, and with such a majority, why is it not carried out? Well, there is one thing that stops the whole question, and that is that the old population has got it into their heads that equality of rights and union means the loss of their political position, and that the—well, I will not say ignorant, but simple, farmer in the country is imbued with the Bond view that to have the Progressives in power means that the old population would become a kind of serfs—helots, as I just now used the word in another connection.

My reply is: How can that be where, under the British constitution, there are equal rights for all, and he who wins is the best man, of whatever race he may be? Take the great city of Cape Town, which chose Mr. Wiener, a German, for years to represent it. There was no thought of race. They never left him, but he left them when his Progressive ideas were changed into those of the Bond. It was not a question of race. It was because he left that equality principle that he lost his seat. Probably Mr. Wiener thought that the other party would be successful. Well, temporarily yes, but not permanently. The question is whether we could not educate these people to the true state of affairs.

Well, first we must get them to abandon that stupid idea that, because somebody came to this country a hundred years ago, his children are in a special position. It is the prevalence of that idea that has disturbed everything. Besides, if you take the case of the Transvaal, the people there who have that idea have only been in the country some fifty years, and surely in that time, not quite a lifetime, they cannot fairly claim special privileges. Still they do, and speak of "ons volk" and "ons land." Well, I take "ons land" to be our land, and I say I am a partner in that, although I am told I am not a partner and that I am here on sufferance. Well, it will be your duty to change that position. It should also be remembered that this was not the thought of the old people who took this country. It is the thought of some men who have made an oligarchy, and who have prevailed upon their own simple people to think that. It is they who delay this thought of equality, and I will tell you why.

It is because two or three men in Pretoria, and one or two in Cape Town, govern the whole country, and they need never appear. I have been told that a gentleman who was before the Mikado in Japan maintained his position by never being seen. I think the system of the Bond party is to govern through an individual who was never heard, at any rate, in their House, where he should have been.

And this government by the unseen must pass away, as many other things must pass away. You are here and your party, and you are in a position to do that, but still you are willing that all should have equal rights, and you welcome even your most extreme opponents of the Bond to share in the development of South Africa. You must hold out for equal rights, and let the best men come to the front independent of race or the accident of birth. Although I was born at home, it does not stop me from being faithful to this country, and I am doing the best I can for the country which I have adopted as my dwelling-place. Through the whole of our difficulties there is just this one thought that comes out perfectly clear.

We must fight for equal rights, and the practical result will be the federal union of South Africa. With regard to myself, you must not think I am neglecting my duties because you do not see me in the House. I am doing my best, and I carry with me everywhere that thought for the union of South Africa, and I hope that when you have realized that thought it will not be too late.

I have tried hard to secure from the Colony privileges in the north. Now the people there are looking to the ports on the east and the west coast, and I greatly fear that before this country wakes up to the situation that great inheritance may have passed away from you in the south, and that is what you must work to prevent.

The present ministry, if they could only see it, have an enormous chance before them. I know that I myself, owing to various reasons, am not particularly pleasing to the Bond party, but I see no reason why others should not take up my work, and that is the union of South Africa. I do not care a jot who wears the peacock's feathers so long as the work is done. Let us get to the practical result—union. Natal is ready, Rhodesia is ready, and even the republics could federate, as Professor Bryce has pointed out, without loss of dignity so far as the flag is concerned. That is the position I wish to be able to carry out, and that is what must come.

ROBESPIERRE

AGAINST CAPITAL PUNISHMENT

[Maxmilien Marie Isidore de Robespierre, inaugurator of the Reign of Terror which formed the climax to the first French Revolution, was born in Arras in 1758. He was trained in his father's profession of the law and practiced with success, but attracted no particular attention until his election in 1789 to the States General, a body summoned by the king to deliberate upon the affairs of France. Robespierre's Jacobinism began now to assert itself. The execution of the king, the overthrow of the moderate element in the Convention, and the use of the guillotine as a final argument in all political differences, were the results of his bloody policy. One by one the leading men in the city were decapitated, until Paris awoke to all the horrors of the Reign of Terror. But at first all were helpless before Robespierre, who had filled every department of the revolutionary government with his creatures. Even his partisans were secretly alarmed by his sanguinary freaks. At last a conspiracy was formed against him in the Convention, he was set upon during the deliberations of that body, and thrown into prison. No time was lost in conveying him to the guillotine in the summer of 1794. The first of the following speeches was delivered in 1791; the second also in 1791; the third, before the National Convention, in 1792.]

THE news having been carried to Athens that some citizens had been condemned to death in the city of Argos, the people ran to the temples and implored the gods to turn the Athenians from the contemplation of such cruel and distressful facts. I am come to pray—not the gods—but the legislators, who ought to be the organs and the interpreters of the eternal laws that Divinity has dictated to men—to efface from the code of the French people the laws of blood which require judicial murders, and which are repellent to their morals, and to their new constitution. I wish to prove, first, that the punishment of death is essentially unjust; secondly, that it is not the most deterrent of punishments, and increases crimes rather than prevents them. Outside of civilized society, when a bloodthirsty enemy comes to attack my life, and when, driven away twenty times, he returns to ravage the fields my hands have tilled, as I can oppose only my individual strength against his, either I must perish or I must kill him, and the natural law of self-defense justifies and upholds me. But in society, when the might of all is armed against one man, what principle of justice can authorize them to take his life? What necessity can excuse such a proceeding? A conqueror who kills his captives is called barbarous. A man who kills a child, whom he might disarm and punish, is recognized as a monster. A culprit upon whom society has passed sentence is nothing more than a conquered and powerless enemy, and is more feeble before it than a child before a grown man. So, in the eyes of truth and justice, those scenes of death ordered with so much ceremony are nothing less than cowardly assassinations, triumphant crimes, committed not by individuals, but by entire nations, and with legal sanction. However cruel and extravagant these laws, do not wonder at them. They are the work of a few tyrants. They are the chains that weigh down the human race. They are the arms by which it has been subjugated. They were written in blood. "It is not lawful to put to death a Roman citizen." Such was the law that the people had passed. But Sylla conquered and said: "All who have borne arms against me are worthy of death." Octavius and the accomplices of his crimes confirmed this law. Under Tiberius, to have praised Brutus was a crime worthy of death. Caligula condemned to death those who were so sacrilegious as to undress before the image of the emperor. When tyranny had invented the crimes of lese-majesty which were either indifferent or heroic actions, who would have dared to think them worthy a milder punishment than death, without being guilty of lese-majesty himself?

When fanaticism, born of a monstrous union of ignorance and despotism, invented in its turn the crimes of Divine lese-majesty, when it conceived in its delirium the scheme of avenging God Himself, was it not necessary that it should offer Him blood also, and place Him on a level with the monsters that called themselves His images?

"The punishment of death is necessary," say the friends of old and barbarous precedent; "without it there would be no restraint strong enough to repress crime." Who told you that? Have you calculated all the means by which penal laws may act on human sensibility? Alas, how many pangs, physical and moral, does not a man endure, that are worse than death!

The desire to live is less powerful than pride, the most imperious of all the passions which hold mastery over the heart of man. The most terrible of all punishments, for the social man, is opprobrium, the crushing evidence of public execration. When the legislator can strike citizens at so many sensitive points and in so many ways, how can he believe himself forced as a last resort to employ the punishment of death? Punishments are not made to torment the guilty, but to prevent crime by the fear of incurring them.

The legislator who prefers death and atrocious punishments to such softer methods as are in his power, outrages public delicacy, blunts the moral sentiment of the people he governs, like an unskilful teacher who, by the frequent use of cruel chastisements, brutalizes and degrades the soul of his pupil, in that he weakens and exhausts the resources of government by stretching them with too much force.

The legislator who establishes this punishment renounces that salutary principle that the best way to repress crimes is to adapt the punishments to the nature of the different passions that produced them, and to penalize these, by themselves, so to speak. Such a legislator confuses the ideas, disturbs the relations, and openly counteracts the object of penal laws.

The punishment of death is necessary, do you say? If that be true, how is it that so many nations have been able to do without it? By what fatality were these people the wisest, happiest, and most free? If capital punishment is the best adapted to prevent great crimes, such crimes ought to be more rare among nations who have adopted and most extensively used it. Now the fact is just the contrary. Take Japan; nowhere have capital punishment and tortures been more extensively used, and nowhere have crimes been so frequent and so atrocious. One might say that the Japanese desired to vie in ferocity with the barbarous laws that outrage and irritate them. Did the republics of Greece, where punishments are so moderate, and where capital punishment was extremely rare or entirely unknown, present a record of more crimes and less virtue than the countries governed by the laws of blood? Do you believe that Rome was stained by more heinous crimes when, in the days of her glory, the Lex Porcia had annulled the severe penalties imposed by the kings and the decemvirs than when she was under Sylla, who revived them, and under all the emperors who carried their severity to an excess in keeping with their infamous tyranny? Has Russia been overturned since the despot who governs it entirely suppressed capital punishment, as if to expiate by this act of humanity and philosophy the crime of holding millions of men under the yoke of absolute power?

Listen to the voice of justice and reason. It cries aloud to you that human judgments are never certain enough to warrant society in putting to death a man condemned by other men as fallible as the convict. Could you imagine the most perfect judicial order—could you find the most upright and enlightened judges—there would always remain a place for error or prejudice. Why do you deprive yourselves of the means of rectifying them? Why do you condemn yourselves to powerlessness to extend a helping hand to oppressed innocence? What matter these barren regrets, these vain compliments that you accord to an empty shade, to senseless ashes? They are but the sad evidences of the barbarous rashness of your penal laws. To deprive a man of the possibility of expiating his crime by repentance or by acts of virtue, to close for him pitilessly all doors of return to goodness and self-esteem, to hurry him to the grave, all covered, so to speak, with the recent stains of his crime, is, in my eyes, the most horrible refinement of cruelty.

The first duty of the legislator is to form and conserve public morals, the source of all liberty and of all social happiness. When to attain a special object he departs from this general and essential aim, he commits the most gross and ill-omened of faults. The law ought to present to the nations the purest model of justice and reason. If in place of that resistless, calm, moderate severity which ought to characterize them, they put anger and vengeance; if they cause human blood to flow which they might have spared, and which they had no right to shed; if they call up before the eyes of the people cruel scenes and the corpses of those murdered by tortures—then they confound in the minds of citizens the ideas of the just and the unjust, and cause to spring up in the bosom of society ferocious prejudices which will produce others in their turn. Man no longer continues to be to his fellow man a sacred object. He gains a lower idea of his dignity when public authority sports with his life. The idea of murder inspires much less dismay when the law itself affords an example and a spectacle of it. The horror of crime is lessened from the moment the law merely punishes one crime by perpetrating another. Beware of confounding the efficacy of punishments with the excess of severity. The one is absolutely opposed to the other. There is everything in favor of moderate laws. There is everything against cruel laws.

It has been observed that in free countries crimes are rare, and penal laws more lenient. Ideas are predominant. Free countries are those where the rights of man are respected, and where, consequently, the laws are just. Wherever humanity is offended by an excess of harshness, it is a proof that the dignity of man is not known there; that the dignity of the citizen does not exist. It is a proof that the legislator is but a master who commands slaves, and who chastises them pitilessly according to his fancy. I conclude by moving you that the law enforcing the punishment of death be repealed.

UNIVERSAL SUFFRAGE

I doubted for a moment whether I ought to present my ideas on provisions that you seem to have already adopted. But when I saw that the question was whether I should defend the cause of the nation and of liberty by speaking, or betray it by silence, I no longer hesitated. I have even undertaken this task with a stronger confidence, in that the imperious passion for justice and the public good which imposed it upon me was felt in common with you, and it is your own principles and your own authority that I invoke in their favor.

Why are we assembled in this temple of the laws? Undoubtedly to render to the French nation the exercise of the indefeasible rights which belong to all men. Such is the end and object of each and every political constitution. It is just and free if it fulfils it. It is naught but an outrage on humanity if it opposes it.

You yourselves have recognized this truth in a striking manner when, before commencing your great work, you decided that it was necessary solemnly to proclaim those sacred rights which are the eternal foundations on which the constitution ought to rest:—

All men are born and live free and equal in rights.

The sovereignty resides essentially in the nation.

The law is the expression of the general will. All citizens have the right to join in legislation, either personally or by their representatives, freely chosen.

All citizens are admissible to all public employments, without any discrimination excepting that demanded by their virtues and their talents.

These are the principles which you have consecrated. It will now be easy to appreciate the measures that I propose to combat. It will suffice to compare them with those unalterable principles of human society.

Now, first, can the law be the expression of the general will, while the greater number of those for whom it is made cannot in any manner join in its institution? No! Nevertheless, to deny to all those who do not pay a contribution equivalent to the wages of a laborer for three days, the right even of choosing the electors who shall name the number of the Legislative Assembly—what is this but to preclude the majority of Frenchmen from any share in lawmaking? This proposition is essentially anti-constitutional and anti-social, is it not?

Secondly, are men equal in rights, when some enjoy exclusively the privilege of eligibility to be elected members of the legislative body or to other public bodies, and others enjoy only the privilege of nominating them, and others again are deprived of all these rights? No! Such, nevertheless, are the monstrous distinctions established between them by the decrees which make a citizen "active" or "passive," "half-active" or "half-passive," according to the degrees of fortune which permit him to pay three days' direct imposition or a mark of silver. All these provisions are therefore essentially anti-constitutional and anti-social.

Thirdly, can it be said that men are admissible to all public employments without other distinction than that of virtues and talents, when the inability to pay the required contribution excludes them from all public employments, whatsoever may be their virtues and their talents? All those provisions are therefore anti-constitutional and anti-social.

Fourthly, is the nation sovereign when the greatest number of the individuals composing it are despoiled of the political rights that constitute sovereignty? No! And nevertheless, you have just seen that those same decrees strip those rights from the great majority of Frenchmen. What would your declaration of rights amount to, if those decrees should stand? An empty formula! What would the nation be? A slave! For liberty consists in obeying laws which we ourselves have enacted, and servitude in being compelled to obey the will of others. What would your government be? A veritable aristocracy! For aristocracy is the state in which a portion of the citizens is sovereign, and the rest subject. And what an aristocracy! The most intolerable of all—an aristocracy of money.

All men born and domiciled in France are members of the political society known as the French nation; that is to say, French citizens. They are such by the nature of things, and by the first principles of the rights of man. The rights attached to this title depend neither on the fortune which each one possesses nor on the quality of the imposition or levy to which he is subjected, because it is by no means the tax which makes us citizens, citizenship obliging us only to contribute according to our ability to the common expenses of the state. Now, you can give laws to citizens, but you cannot annihilate them.

The partizans of the system I am attacking have felt this truth themselves, since, not daring to deny citizenship to those whom they condemned to political disinheritance, they have confined themselves to evading the principle of equality which it necessarily supposes, by distinguishing them as "active" and "inactive" citizens. Counting on the facility with which men are governed by words, they have tried to make this change by perpetrating, under this new expression, the most manifest violation of the rights of man.

What shall I add to these patent truths? It is not necessary to add anything, for the representatives of the nation have already, by their opinions and votes, anticipated my demand. It only remains for me to reply to those deplorable sophistries by means of which the prejudices and ambitions of a certain class of men are trying to bolster up the disastrous doctrine which I am attacking. It is to these only that I am going to speak.

The people! Folk that have nothing! The dangers of corruption! The example of England and that of peoples supposed to be free! Such are the arguments suggested against justice and reason.

I ought to answer this with but a single word: The people, this multitude of men, whose cause I am defending, have rights which have the same origin as yours. Who gave you the power to take them away?

General utility, you say. But is there anything useful but that which is just and honest? And does not the maxim apply especially to the social organization? And if the object of society is the happiness of all, and the conservation of the rights of man, what must be thought of those who would base it on the power of a few individuals, and on the debasement and belittlement of the rest of the human race? Who are these sublime politicians, who applaud themselves when, by force of laborious subtleties, they have succeeded in substituting their vain fantasies for immutable principles engraved by the Eternal Legislator Himself on the heart of all men?

You speak of England. Well, what do England and her corrupt constitution matter to you—a constitution which seemed to you to be free, when you were sunk to the last degree of servitude, but which must now cease to be extolled by ignorance or from habit? You talk of free peoples. Where are they? What does the history of those whom you honor with that name present to your eyes but aggregations of men, more or less removed from the ways of reason and nature, more or less enslaved under governments which hazard, ambition, or force had established? Is it, then, that ye may servilely copy the errors or injustices which have so long degraded and oppressed the human race that the Eternal Providence has summoned you—the only ones since the origin of the world—to reestablish on the earth the empire of justice and liberty, amid the most brilliant burst of light that has ever illuminated public reason, amid circumstances almost miraculously arranged to insure you the power of restoring to man his happiness, his virtue, and his pristine dignity?

Do those appreciate all the weight of this holy mission, whose sole response to our just complaints consists in coldly telling us, "With all its faults, our constitution is the best that has ever existed"?

Is it, then, with the intention that you should coolly leave in this constitution essential faults destructive of the first foundations of social order that twenty-six millions of men have placed in your hands the formidable trust of their destinies? The harm that you would do would be a crime against the nation and against humanity. Furthermore, unless you do everything for liberty, you do nothing. There are not two ways of being free. You must be entirely free or become slaves again. The least resource left to despotism will very soon reestablish its power. What do I say! Even now it surrounds you with its seductions and its enchantments. Soon will it overwhelm you with its strength. O you who, content with attaching your names to a great change, are not disturbed whether or not it shall suffice to assure the happiness of men, do not deceive yourselves. The noise of the applause of your deeds will soon vanish. Posterity, comparing the greatness of your duties and the immensity of your resources with the essential faults of your work, will say: "They might have made men happy and free, but they would not do it. They were not worthy of it."

But, you say, the people! Persons who have nothing to lose! Do you mean to say that they, like us, shall exercise all the rights of citizens?

Persons who have nothing to lose! How unjust and false in the eyes of truth is that language of delirious pride! Now, these presons of whom you speak are, you would imply, men who live in the midst of society, with no means of existence or subsistence. For if they are provided with those means, they have, it seems to me, something to lose or to preserve. Yes, the coarse clothes that cover me; the humble lodging in which I buy the right to retire and live in peace; the modest salary on which I support my wife and children—all this, I admit, is not lands, castles, equipages. All this may, perhaps, be called "nothing" for luxury and opulence, but it is something for humanity. It is a sacred possession—as sacred as the dazzling domains of wealth.

What would all those great men say who, in the days of yore, governed the most free and virtuous people of the earth, but who did not leave behind enough to bury them, and whose families were supported by the state? What would they say if, coming to life among us, they could see arise this so much-vaunted constitution? O Aristides, Greece named thee "the Just," and made thee the arbiter of her destiny. Regenerated France would see in thee only a "man of nothing," who does not pay the mark of silver, the voting tax. In vain would the trust of the people call thee to defend its rights; there is no town that would not drive thee from its confines. Thou mightest twenty times have saved the country, and thou wouldst not yet have been an "active citizen"—unless thy great soul consented to conquer the rigors of fortune at the expense of thy liberty or of some one of thy virtues.

There are certain decrees that you cannot abrogate—they are those which include the declaration of the rights of man—because you did not make those laws; you only promulgated them. It is those immutable decrees of the Eternal Legislator, implanted in the reason and in the heart of all men before you inscribed them in your code, to which I appeal against provisions injurious to them and which ought to disappear before them. You have here to choose between them, and your choice cannot be uncertain, upon your own principles. I propose to the National Assembly the plan of the following decree:—

The National Assembly, moved by a religious respect for the rights of men, the maintenance of which ought to be the object of all political institutions;

Convinced that a constitution made to assure the liberty of the French people, and to influence that of the world, ought to be above all established on this principle:

Declares that all Frenchmen—that is, all men born and domiciled in France or naturalized—ought to enjoy the plenitude and equality of the rights of citizenship, and are admissible to all public employments, without any other distinction than that of virtue and talents.

THE FESTIVAL OF THE SUPREME BEING

The day forever fortunate has arrived, which the French people have consecrated to the Supreme Being. Never has the world which He created offered to Him a spectacle so worthy of His notice. He has seen reigning on the earth tyranny, crime, and imposture. He sees at this moment a whole nation, grappling with all the oppressions of the human race, suspend the course of its heroic labors to elevate its thoughts and vows toward the great Being who has given it the mission it has undertaken and the strength to accomplish it.

Is it not He whose immortal hand, engraving on the heart of man the code of justice and equality, has written there the death sentence of tyrants? Is it not He who, from the beginning of time, decreed for all the ages and for all peoples liberty, good faith, and justice?

He did not create kings to devour the human race. He did not create priests to harness us, like vile animals, to the chariots of kings and to give to the world examples of baseness, pride, perfidy, avarice, debauchery, and falsehood. He created the universe to proclaim His power. He created men to help each other, to love each other mutually, and to attain to happiness by the way of virtue.

It is He who implanted in the breast of the triumphant oppressor remorse and terror, and in the heart of the oppressed and innocent calmness and fortitude. It is He who impels the just man to hate the evil one, and the evil man to respect the just one. It is He who adorns with modesty the brow of beauty, to make it yet more beautiful. It is He who makes the mother's heart beat with tenderness and joy. It is He who bathes with delicious tears the eyes of the son pressed to the bosom of his mother. It is He who silences the most imperious and tender passions before the sublime love of the fatherland. It is He who has covered nature with charms, riches, and majesty. All that is good is His work, or is Himself. Evil belongs to the depraved man who oppresses his fellow man or suffers him to be oppressed.

The Author of Nature has bound all mortals by a boundless chain of love and happiness. Perish the tyrants who have dared to break it.

Republican Frenchmen, it is yours to purify the earth which they have soiled, and to recall to it the justice that they have banished! Liberty and virtue together came from the breast of Divinity. Neither can abide with mankind without the other.

O generous People, would you triumph over all your enemies? Practise justice, and render the Divinity the only worship worthy of Him. O People, let us deliver ourselves to-day, under His auspices, to the just transports of a pure festivity. To-morrow we shall return to the combat with vice and tyrants. We shall give to the world the example of republican virtues. And that will be to honor Him still.

The monster which the genius of kings had vomited over France has gone back into nothingness. May all the crimes and all the misfortunes of the world disappear with it! Armed in turn with the daggers of fanaticism and the poisons of atheism, kings have always conspired to assassinate humanity. If they are able no longer to disfigure Divinity by superstition, to associate it with their crimes, they try to banish it from the earth, so that they may reign there alone with crime.

O People, fear no more their sacrilegious plots! They can no more snatch the world from the breast of its Author than remorse from their own hearts. Unfortunate ones, uplift your eyes toward heaven! Heroes of the fatherland, your generous devotion is not a brilliant madness. If the satellites of tyranny can assassinate you, it is not in their power entirely to destroy you. Man, whoever thou mayest be, thou canst still conceive high thoughts for thyself. Thou canst bind thy fleeting life to God, and to immortality. Let nature seize again all her splendor, and wisdom all her empire! The Supreme Being has not been annihilated.

It is wisdom above all that our guilty enemies would drive from the republic. To wisdom alone it is given to strengthen the prosperity of empires. It is for her to guarantee to us the rewards of our courage. Let us associate wisdom, then, with all our enterprises. Let us be grave and discreet in all our deliberations, as men who are providing for the interests of the world. Let us be ardent and obstinate in our anger against conspiring tyrants, imperturbable in dangers, patient in labors, terrible in striking back, modest and vigilant in successes. Let us be generous toward the good, compassionate with the unfortunate, inexorable with the evil, just toward every one. Let us not count on an unmixed prosperity, and on triumphs without attacks, nor on all that depends on fortune or the perversity of others. Sole, but infallible guarantors of our independence, let us crush the impious league of kings by the grandeur of our character, even more than by the strength of our arms.

Frenchmen, you war against kings; you are therefore worthy to honor Divinity. Being of Beings, Author of Nature, the brutalized slave, the vile instrument of despotism, the perfidious and cruel aristocrat, outrages Thee by his very invocation of Thy name. But the defenders of liberty can give themselves up to Thee, and rest with confidence upon Thy paternal bosom. Being of Beings, we need not offer to Thee unjust prayers. Thou knowest Thy creatures, proceeding from Thy hands. Their needs do not escape Thy notice, more than their secret thoughts. Hatred of bad faith and tyranny burns in our hearts, with love of justice and the fatherland. Our blood flows for the cause of humanity. Behold our prayer. Behold our sacrifices. Behold the worship we offer Thee.

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